

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990



**Hinckley & Bosworth
Borough Council**

WRITTEN STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

PLANNING APPEAL BY MR JACK HEMMINGS

**AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE DEMOLITION
OF EXISTING BUILDING, GREENHOUSES AND RAISED BEDS AND ERECTION
OF 2 DWELLINGS**

AT

**87 BARTON LANE, NAILSTONE,
NUNEATON, LEICESTERSHIRE, CV13 0PY**

HINCKLEY AND BOSWORTH BOROUGH COUNCIL REFERENCE

25/00695/FUL

THE PLANNING INSPECTORATE REFERENCE

6003812

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1. INTRODUCTION

- 1.1. This statement is to be read in conjunction with the previously submitted Appeal Questionnaire papers, in full support of the decision of Hinckley and Bosworth Borough Council to refuse planning permission for the demolition of an existing outbuilding, greenhouse, and raised beds and the erection of two dwellings at 87 Barton Lane, Nailstone.

2. DESCRIPTION OF THE APPEAL SITE AND THE PROPOSAL

- 2.1. The description of the appeal proposal and the appeal site are detailed at Sections 2 and 3 of the Delegated Officer Report ('Delegated Report') respectively.

3. SITE HISTORY

- 3.1. The relevant planning history for the appeal site is detailed at Section 4 of the Delegated Report.

4. POLICIES

- 4.1 The relevant local and national planning policies and legislation in the determination of this appeal proposal are detailed at Section 7 of the Delegated Report.

5. THE CASE FOR THE LOCAL PLANNING AUTHORITY

- 5.1 The planning application was refused on 21 November 2025 under delegated powers for the following reasons:

1. The proposal creates new residential development in an unsustainable location in the designated open countryside and by virtue of its size, scale, design, height, siting, and footprint, the proposal represents the overdevelopment of a constrained site that exacerbates ribbon development in the countryside. As a result, the development fails to reflect local design policies and government guidance on design. This harm is heightened by the visual prominence of the development from Barton Lane and Public Footpaths S47 and S48, and the scheme's loss of all the existing landscaping and vegetation along the site's boundary with the public highway to facilitate the vehicular accesses.

Therefore, the scheme results in significant harm to the character of the site and the surrounding area, including the intrinsic value, beauty, open character, and landscape character of the designated open countryside. This is contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Chapter 12 and Key Policy Paragraphs 129 and 135 of the National Planning Policy Framework (2024), the National Design Guide (2019), and the Council's Good Design Guide (2020). The significant adverse effects of the proposed development significantly and demonstrably outweigh

its potential benefits in these site-specific circumstances. In accordance with Key Policy Paragraph 139 of the National Planning Policy Framework, the planning application is refused.

2. The application site is in an unsustainable location, and the proposed scheme represents the development of isolated homes in an area of poor transport sustainability in the designated open countryside whereby the future occupiers of the scheme are highly likely to be dependent on private motorised travel to meet their day-to-day needs. This is considered to cause significant harm to the environment, and the intrinsic value, beauty, open character, and landscape character of the countryside.

By virtue of these factors, the proposal is contrary to, and in conflict with, the Chapters 2, 11, 12, and 15, and Key Policy Paragraphs 84 and 115 of the National Planning Policy Framework (2024), Policies DM4 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), HDM Policy 1 of the Leicestershire Highway Design Guide (2024), and the National Design Guide (2019).

- 5.2 It is considered that the main planning issues in relation to this appeal are the adverse effects of the proposed development on the intrinsic value, beauty, open character and landscape character of the countryside and the unsustainable location of the development.

Determination of the Appeal Proposal

- 5.3 Section 1 of the Appellant's Statement suggests that the Local Planning Authority has failed to apply the presumption in favour of sustainable development within the determination of planning application 25/00695/FUL. Section 6 of the Appellant's Statement also suggests that the reasons for refusal do not identify harm to the level required by the 'tilted' balance at Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2024). These inaccurate assertions are strongly refuted.
- 5.4 The presumption in favour of sustainable development is directly referred to at Paragraph 8.2 of the Delegated Officer Report ('Delegated Report'). Paragraphs 8.45 and 8.87 of the Delegated Report also confirm that the 'tilted' balance in Paragraph 11(d) of the NPPF would be triggered within the determination of this appeal proposal.
- 5.5 The Local Planning Authority determined 25/00695/FUL in accordance with these national planning policy requirements, and this is confirmed at Paragraph 8.99 of the Delegated Report and within the first reason for refusal of 25/00695/FUL, which both state that the significant adverse effects of the proposed development would significantly and demonstrably outweigh the potential benefits associated with the provision of two dwellinghouses in an unsustainable location in the designated open countryside in these site-specific circumstances.

- 5.6 As confirmed at Paragraphs 8.47 and 8.87 of the Delegated Report, as the 'tilted' balance would be engaged within the determination of this development Key Policy Paragraphs 84, 115, 129, 135, and 139 of the NPPF would apply in these site-specific circumstances, in accordance with Footnote 9 of the NPPF. These Key Policy Paragraphs are referred to within the Delegated Report and in both reasons for the refusal of 25/00695/FUL.
- 5.7 Despite the fact that the Appellant is relying on the 'tilted' balance of Paragraph 11(d)(ii) of the NPPF to justify their appeal proposal, the Appellant's Statement fails to make any reference to these Key Policy Paragraphs, which directly refer to directing development to sustainable locations, making effective use of land, and securing well-designed places. For the avoidance of doubt, 25/00695/FUL was refused by the Local Planning authority due to the proposal's unsustainable location, poor design, and failure to make an effective use of land.
- 5.8 Furthermore, although the Appellant would not consider the appeal site to be within an isolated location where Key Policy Paragraph 84 of the NPPF would apply, the Appellant has failed to refer to, or have any engagement, with the Council's assessment of the status of the appeal site between Paragraphs 8.23 and 8.29 of the Delegated Report.
- 5.9 Importantly, the assessment within the Delegated Report included a High Court Decision relating to the application Paragraph 79 [now 84] of the NPPF (Appendix A). Notably, the Appellant has not sought to engage with the conclusions of this High Court Decision.
- 5.10 In accordance with this High Court Decision and the requirement at Paragraph 3 of the NPPF to read the Framework as a whole, it is the Local Planning Authority's position that to adopt remoteness from other dwellings, instead of remoteness from a settlement as the test for 'isolated homes in the countryside' would fail to be consistent with the Government's aim to promote sustainable development in rural areas as detailed at Paragraph 83 of the NPPF. This position can be seen within the recent appeal decision at the land to the north of Leicester Road, Sharnford (cf. Appendix B), which was adjacent to, but outside of, an identified settlement boundary and was considered by the Inspector to be in an unsustainable location due to its remoteness from services and facilities. This is a significant material consideration within the determination of this appeal.
- 5.11 The appeal site is physically separated from the limited services within Nailstone by over half a kilometre via a classified 'A' road and a classified 'C' road which do not benefit from any pedestrian footpaths or cycleways. Whilst the appeal site is in close proximity to three dwellings, this limited scale of existing residential development would not suggest that the development would be in a location that enhances or maintains the vitality of rural communities, nor in a location where Key Paragraph 84 of the NPPF would not be engaged.

- 5.12 In summary, the Local Planning Authority determined 25/00695/FUL in accordance with the 'tilted' balance of the NPPF whereby Key Policy Paragraphs 84, 115, 129, 135, and 139 would apply. This can be through the assessment within the Delegated Report and the reasons for refusal within the Decision Notice for this application. Whilst the Local Planning Authority's conclusions may not align with the Appellant's desires to develop the appeal site, that does not suggest that the Council determined 25/00695/FUL in a way that was contrary to the requirements of local and national planning policies.
- 5.13 Ultimately, Paragraph 137 of the NPPF confirms that applicants, where applicable, should provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy.

The First Reason for Refusal: Harm to the Character of the Area

- 5.14 The first reason for the refusal of 25/00695/FUL relates to the development's significant harm to the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated countryside. Three Key Policy Paragraphs (129, 135, and 139) are referred to within this reason for refusal.
- 5.15 Section 8 of the Appellant's Statement refers to the minimum housing requirement for Nailstone within the adopted Core Strategy. As confirmed at Paragraph 8.15 of the Delegated Report, the proposal would not be within the identified settlement boundaries of Nailstone, and therefore the development would not support this minimum housing requirement, nor would the proposal be supported by Policy 12 of the adopted Core Strategy.
- 5.16 The Local Planning Authority's assessment of the scheme's significant harm to the character of the surrounding area is detailed between Paragraphs 8.50 and 8.64 of the Delegated Report.
- 5.17 Section 7 of the Appellant's Statement attempts to justify the appeal proposal by suggesting that part of the site represents previously developed land. It is noted that the Appellant has failed to review the Council's consideration of this matter between Paragraphs 8.30 and 8.36 of the Delegated Report.
- 5.18 Whilst the Local Planning Authority would agree that the existing outbuilding and the associated hardstanding area would represent previously developed land, the majority of the site including the greenhouses and the raised beds would represent an agricultural use that does not meet the NPPF's definition of previously developed land.
- 5.19 In the first instance, it would not be considered that the presence of a redundant commercial building on a limited area of the appeal site would justify the conversion of the whole appeal site into a residential use for two new dwellinghouses. This position is notwithstanding the fact that, in the Appellant's own words, the existing structure is dilapidated.

- 5.20 Crucially, the presence of the existing non-residential structure that is in a state of significant disrepair within the appeal site would not justify the provision of two new residential properties in the designated open countryside. Furthermore, whilst there is an existing building and a greenhouse within this appeal site, this would not have any material bearing on whether the size, scale, height, footprint, massing, design, and appearance of new built form, such as two new dwellings, within the site could result in the overdevelopment of the site.
- 5.21 The proposal would replace an existing 3.1m high dilapidated commercial building and replace it with two 6.5m high dwellinghouses. As confirmed at Paragraph 8.59 of the Delegated Report, this would create a total built form within the appeal site that would double the width, height and footprint of this existing outbuilding. The Appellant has not sought to refute this fact. This would represent a significant intensification of development within the appeal site, which would significantly erode the rural character of the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated open countryside.
- 5.22 Although the Appellant suggests that the development would represent a 'logical infill,' the Appellant has failed to have any regard to the Local Planning Authority's assessment of this matter at Paragraph 8.59 of the Delegated Report. Importantly, the Council's Good Design Guide confirms that infill sites must be carefully considered in relation to their potential impact on their setting. To infill this appeal site with two new residential dwellings would increase the number of dwellings in this location, which would exacerbate the extent and visual prominence of ribbon development in this location. The consolidation of this area of ribbon development would heighten its significant, permanent and urbanising impact on the rural character of the site, the surrounding area, and the designated open countryside.
- 5.23 Notwithstanding the above, the proposed development fails to provide a sufficient provision of private outdoor amenity space to meet the minimum requirements of the Council's Good Design Guide. Given the scale of the proposal, the scheme also fails respect the existing building line along Barton Lane, and to facilitate the development's vehicular visibility splays, all the existing hedgerows and landscaping along the front of the appeal site would have to be removed. These factors would significantly and permanently erode the rural character of the appeal site and the surrounding area and increase its visual prominence of the harm of the development from the public highway. The Appellant has failed to address any of these comments within their Appeal Statement.
- 5.24 The Local Planning Authority do not agree that the significant harm of the development would not be visible from the Public Footpaths S47 and S48 to the south of the site, nor from the A447 to the southeast. Whilst the Appellant may suggest that the development cannot be viewed from these Public Footpaths, it is noted that the Appellant has not sought to provide images from these views within their Appeal Statement like they have chosen to do for the front of the site at Figures 2 and 3 of their Statement.

- 5.25 In summary, the Appellant has failed to refer to, or engage with, the Local Planning Authority's assessment of their proposal within the Delegated Report to justify their appeal proposal. Whilst the Appellant may seek to disagree with the conclusions of the Council, the assertion of such is not sufficient justification on its own to depart from the conclusion that the proposal would result in significant and permanent harm as identified by the Local Planning Authority.
- 5.26 Given the above, the proposal would create new residential development in an unsustainable location in the designated open countryside and by virtue of its size, scale, design, height, siting, and footprint, the proposal would represent the overdevelopment of a constrained site that exacerbates ribbon development in the countryside. As a result, the development would fail to reflect local design policies and government guidance on design. This harm would be heightened by the visual prominence of the development from Barton Lane and Public Footpaths S47 and S48, and the scheme's loss of all the existing landscaping and vegetation along the site's boundary with the public highway to facilitate the vehicular accesses.
- 5.27 Therefore, the scheme would result in significant harm to the character of the site and the surrounding area, including the intrinsic value, beauty, open character, and landscape character of the designated open countryside. This would be contrary to, and in conflict with, Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Chapter 12 and Key Policy Paragraphs 129 and 135 of the National Planning Policy Framework (2024), the National Design Guide (2019), and the Council's Good Design Guide (2020). By virtue of these factors, and in accordance with, Key Policy Paragraph 139 of the NPPF, the appeal proposal should therefore be dismissed.

The Second Reason for Refusal: The Unsustainable Location of the Appeal Site

- 5.28 The second reason for the refusal of 25/00695/FUL relates to the significant environmental harm of the development as a result of the scheme's unsustainable location in an area of poor transport sustainability whereby the future occupiers of the proposal would be highly likely to be dependent on private motorised travel to meet their day-to-day needs. Key Policy Paragraphs 84 and 115 of the NPPF are referred to within this reason for refusal.
- 5.29 Section 8 of the Appellant's Statement suggests that:
- "National policy expressly recognises the reliance on the private car is a normal and expected feature of rural life and does not render development unsustainable."*
- 5.30 For the avoidance of doubt, both the social and environmental overarching objectives of sustainable development are defined at Paragraph 8 of the NPPF, and both refer to creating safe places with accessible services that minimise waste and pollution and move towards a low carbon economy respectively.

- 5.31 Moreover, four of the five Key Policy Paragraphs within the NPPF applicable to the determination of this appeal state that development should be in locations that are accessible, and promote health and wellbeing (Key Policy Paragraph 135), promote sustainable modes of transport that limit future car use (Key Policy Paragraph 129), and have a safe and suitable access for all users (Key Policy Paragraph 115), which avoids the creation of isolated homes in the countryside (Key Policy Paragraph 84).
- 5.32 Given the above, there is a clear ambition within national planning policy to direct developments to sustainable locations that promote sustainable modes of travel and limit future car use.
- 5.33 Since the determination of 25/00695/FUL, an appeal against the refusal of a development at land to the north of Leicester Road, Sharnford in the neighbouring local planning authority to Hinckley and Bosworth was recently dismissed solely on the unsustainable location of the scheme (cf. Appendix B) despite the significant benefits associated with the scheme's provision of up to 134 dwellings.
- 5.34 Paragraph 17 of this Appeal Decision states that:
- “Directing development to sustainable locations is a key part of the Framework. As is focussing development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.”*
- 5.35 Importantly, Paragraph 29 of this Appel Decision states:
- “Although the Framework requires that decisions should recognise that meeting needs in rural areas may require sites to be in locations not well served by public transport, it does so whilst still requiring proposals on such sites to exploit any opportunities to make the location more sustainable. I am not convinced that this proposal or the evidence which underpins it demonstrates that the proposal would take any opportunities to make the location more sustainable, or that fundamentally, there are any realistic, practical opportunities to make the location more sustainable.”*
- 5.36 This is a significant material consideration within the determination of this appeal as both appeals are located in unsustainable locations and neither would have any realistic or practical opportunities to make their locations more sustainable. Importantly, the benefits associated with two residential properties within this current appeal would not compare to the benefits associated with a major development within this comparative dismissed appeal.
- 5.37 The Inspector also previously considered that a development, which was adjacent to, but outside of, the identified settlement boundaries of Nailstone at land at Bagworth Road, would not minimise the need to travel or maximise the use of sustainable travel modes as required by Policy DM17 of the SADMP and the objective of the Framework to promote sustainable transport (cf. Appendix C).

- 5.38 In addition to the above, the Local Planning Authority's assessment of the unsustainable location of the development is detailed between Paragraphs 8.5 and 8.13 of the Delegated Report. Whilst the Appellant has appealed the determination of 25/00695/FUL, the Appellant has not sought to refer to, nor refute the Local Planning Authority's assessment of their proposal in relation to the second reason for refusal of 25/00695/FUL.
- 5.39 It is important to note that Section 2 of the Appellant's Statement only refers to the appeal site's accessibility to Barlestone and Ibstock by their proximity through the use of a private motorised vehicle.
- 5.40 Nevertheless, Section 8 of the Appellant's Statement relies on the suggestion that the nearby Barlestone and Ibstock are in, "*Easy cycling distances*," that benefit from, "*Direct public footpaths connections*," to the appeal site. These comments are inaccurate.
- 5.41 Firstly, it is noted that both Barlestone and Ibstock are at a distance from the appeal site that would double and triple preferred maximum walking distances detailed within the Chartered Institution for Highways and Transportation (CIHT)'s *Providing for Journeys on Foot* respectively.
- 5.42 Secondly, the Appellant's comments fail to have any consideration for the Local Planning Authority's assessment of the site at Paragraph 8.11 of the Delegated Report, which confirms that any future occupier of the development would be required to travel along a classified 'C' road that is predominantly unlit and does not feature any pedestrian footpaths or cycle paths before crossing a classified 'A' road to access the limited facilities in Nailstone. It is also noted that there are no pedestrian footpaths or cycle paths along the A447 towards Ibstock to the north, nor Barlestone to the south, and this classified 'A' road is unlit.
- 5.43 It is appreciated that since 26 August 2025, there is now an active bus stop on Barton Lane that serves bus service LC6 between Coalville and Hinckley. However, the LC6 service only runs four times a day between Monday and Friday, there is no bus service to Coalville before 9 AM, nor back from Coalville after 5 PM, and there is only one bus service from Hinckley after 5 PM at 6:30 PM back to the appeal site. Therefore, this bus service would not offer a meaningful alternative mode of transport for people commuting to work in comparison to using private motorised transport.
- 5.44 Ultimately, due to the distance to nearby services, and the lack of footways and street lighting between the appeal site and these destinations, it is very unlikely that these services and facilities would be accessible on foot or by bicycle, which would make active travel an unattractive option, especially in poor weather and during the hours of darkness. Therefore, future occupiers would be reliant on the use of a private vehicle to access the necessary services and facilities to meet their day-to-day needs.

- 5.45 In summary, there is a clear ambition within national planning policy to direct developments to sustainable locations that promote sustainable modes of travel and limit future car use. The Appellant has failed to refer to, nor engage with the Local Planning Authority's assessment of the poor transport sustainability of the appeal site, nor the requirements of local and national planning policy. The appeal site is in an unsustainable location in the designated open countryside whereby the future occupiers of the scheme would be highly likely to be dependent on private motorised travel to meet their day-to-day needs. This which would cause significant harm to the environment, and the intrinsic value, beauty, open character, and landscape character of the countryside.
- 5.46 By virtue of these factors, the appeal proposal would be contrary to, and in conflict with, the Chapters 2, 11, 12, and 15, and Key Policy Paragraphs 84 and 115 of the National Planning Policy Framework (2024), Policies DM4 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), HDM Policy 1 of the Leicestershire Highway Design Guide (2024), and the National Design Guide (2019).

6. CONCLUSION

- 6.1 To summarise, Section 38 (6) of the Planning and Compensation Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 indicates that planning permission should be granted for development proposals that accord with the Development Plan unless material considerations indicate otherwise.
- 6.2 In the determination of this appeal, the 'tilted' balance in Paragraph 11(d) of the National Planning Policy Framework (NPPF) would be triggered whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.3 Key Policy Paragraphs 84, 115, 129, 135, and 139 of the NPPF would apply in these site-specific circumstances, in accordance with Footnote 9 of the NPPF.
- 6.4 To justify their development Section 9 of the Appellant's Statement refers to the social benefits associated with the provision of two new residential properties to the Council's supply of housing, and the associated economic benefits through their construction and occupation. The Appellant also considers the development to represent an efficient use of land.
- 6.5 It is noted that the social and economic benefits highlighted by the Appellant were referred to at Paragraphs 8.97 and 8.98 of the Delegated Report. Ultimately, the social and economic benefits associated with the provision of two new dwellings would be modest and would not be considered to maintain or enhance the local community. These benefits would therefore be considered to attract limited positive weight in the planning balance.

- 6.6 Furthermore, whilst the Local Planning Authority would not be able to deliver a five-year supply of land for housing, the minor contribution towards of providing two dwellings within this appeal site towards the Council's supply of housing would be considered to attract limited positive weight in the planning balance.
- 6.7 The Local Planning Authority disagree that the development represents an efficient use of land. As highlighted at Paragraph 8.16 of the Delegated Report, Paragraph 124 and Chapter 11 of the NPPF demonstrate that safeguarding and improving the environment would be an effective use of land.
- 6.8 The proposal for two new dwellings in the designated open countryside would not be supported by local or national planning policy in principle. By virtue of the proposed size, scale, design, height, siting, and footprint of the development, the scheme would represent the overdevelopment of a constrained site that would exacerbate ribbon development in the countryside. As a result, the development would fail to reflect local design policies and government guidance on design. This harm would be heightened by the visual prominence of the development from Barton Lane and Public Footpaths S47 and S48, and the scheme's loss of all the existing landscaping and vegetation along the site's boundary with the public highway to facilitate the vehicular accesses. This significant and permanent adverse impact of the development would attract significant negative weight in the planning balance.
- 6.9 Furthermore, there is a clear ambition within national planning policy to direct developments to sustainable locations that promote sustainable modes of travel and limit future car use. The appeal site is in an unsustainable location in the designated open countryside whereby the future occupiers of the scheme would be highly likely to be dependent on private motorised travel to meet their day-to-day needs, which would cause significant harm to the environment, and the intrinsic value, beauty, open character, and landscape character of the countryside. This significant environmental harm would attract significant negative weight in the planning balance.
- 6.10 As a consequence of all these factors, the scheme would not comply with, and would be contrary to, the requirements of local and national design policies, such as all applicable Key Policy Paragraphs of the NPPF, alongside Policies DM4, DM10, and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and HDM Policy 1 of the Leicestershire Highway Design Guide (2024). As a result, in accordance with Key Policy Paragraph 139 of the National Planning Policy Framework, the planning appeal should be refused.
- 6.11 Ultimately, it is requested that the appeal is dismissed because the benefits of this development would not outweigh the irreparable, significant adverse harm that the development has on the intrinsic value and beauty of the open character and landscape character of the countryside when assessed against the policies in the NPPF taken as a whole.

- 6.12 There are no other material considerations to indicate that the proposal should be determined other than in accordance with the adopted Development Plan in this case. With regard to the information contained in this statement and that submitted with the Appeal Questionnaire, Hinckley and Bosworth Borough Council respectfully requests that the appeal be dismissed. However, if the Inspector is minded not to do so, the Local Planning Authority requests the inclusion of the following conditions and reasons suggested below.

7. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Proposed Elevations (631 225 05F) (submitted: 22.10.2025)
- Proposed Floor Plans (631 225 04H) (submitted: 22.10.2025)
- Proposed Visibility Splays (07A) (submitted: 01.10.2025)
- Site Location Plan (631 225 06A) (submitted: 15.07.2025)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Prior to the commencement of development, a scheme for the investigation of any potential land contamination on the site shall be submitted in writing to, and approved in writing by, the Local Planning Authority, which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details, and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Upon completion of the approved remediation works, a Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology.

Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the Verification Report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. If during development contamination not previously identified is found to be present at the site no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to, and approved in writing by, the Local Planning Authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to the commencement of development, drainage plans for the disposal of foul and surface water flows shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Severn Trent Water Ltd. No surface water shall enter the foul or combined water systems by any means. The scheme shall be implemented in accordance with the approved details before the development is first occupied.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Prior to the commencement of development, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements shall be submitted in writing to, and approved in writing by, the Local Planning Authority. The HMMP shall be submitted concurrently and in accordance with the Biodiversity Gain Plan. The HMMP shall include, but shall not be limited to, the following details:

- (a) the roles and responsibilities of the people or organisation(s) delivering the HMMP; and

- (b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan; and
- (c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- (e) details of the content of monitoring reports to be submitted to the Local Planning Authority including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- (i) Initial enhancements, as set in the HMMP, have been implemented; and
- (ii) Habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Local Planning Authority, in accordance with the methodology specified in the approved HMMP.

Reason: To enhance protected and priority species and habitats in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. Prior to the commencement of any works above foundation level, a Biodiversity Enhancement Strategy shall be submitted in writing to, and approved in writing by, the Local Planning Authority.

The Biodiversity Enhancement Strategy shall include, but not be limited to, 13cm by 13cm holes at the base of new close board fencing, at least two integrated bat boxes and bird boxes with the makes, models and their locations, and the planting of hedgerows and trees of native species of local provenance and species to attract pollinating insects as identified in the RHS 'Plants for Pollinators' database. Hedgerow mixes should include: 80% hawthorn (*Crataegus monogyna*), plus any one or more of the following: field maple (*Acer campestre*), dogwood (*Cornus sanguinea*), dog rose (*Rosa canina*) and holly (*Ilex aquifolium*).

Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme

Reason: To enhance protected and priority species and habitats in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Prior to the commencement of any works above foundation level, representative sample of the types and colours of materials to be used on the external elevations of the structures hereby permitted shall be submitted in writing to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Prior to the first occupation of the development hereby permitted, the access arrangements shown on the Proposed Floor Plans (631 225 04H) (submitted: 22.10.2025) shall be implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

11. Prior to the first occupation of the development hereby permitted, the vehicular visibility splays shown on the Proposed Visibility Splays (07A) (submitted: 01.10.2025) shall be provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

12. Prior to the first occupation of the development hereby permitted, the parking and turning facilities shall be implemented in accordance with the Proposed Floor Plans (631 225 04H) (submitted: 22.10.2025). Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street

parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

13. Prior to the first occupation of the development hereby permitted, the access drives (and any turning space) shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

14. Prior to the first occupation/use of the development hereby permitted, a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, shall be submitted in writing to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is sooner. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. Notwithstanding the provisions of Classes A, AA, B, C, D, and E of Part 1 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the character of the surrounding area and to safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

17. The windows on the side elevations of both dwellings that serve the kitchen areas of the proposed properties shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable below 1.7m above the floor of the room. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. APPENDICES

8.1 (See separate documents)

8.2 **Appendix A** High Court Appeal Decision (Bramshill Park) 2021
[EWCA Civ 320]

8.3 **Appendix B** Appeal Decision – Land to the north of Leicester Road,
(APP/T2405/W/25/3369148)

8.4 **Appendix C** Appeal Decision – Land at Bagworth Road, Nailstone
(APP/K2420/W/23/3317284)