

PRE-HEARING NOTE

Appeal Ref: 6009226

Land north of Barlestone Road, Newbold Verdon LE9 9NE

Appellant: David Wilson Homes East Midlands

Local Planning Authority: Hinckley and Bosworth Borough Council ("The Council")

Proposed development: outline planning application (all matters reserved except vehicular access) for the erection of up to 240 residential dwellings (Use Class C3), retention of the existing accesses off Barlestone Road and the creation of new accesses off Barlestone Road, a cemetery and a health centre car park (Use Class E(e)), public open space and associated infrastructure.

Background

1. A two-day hearing relating to the above appeal will take place, commencing at **10.00am on 21 October 2026**.
 2. It will be conducted by Ryan Cowley MPlan (Hons) MRTPI, who is the Inspector appointed by the Secretary of State for Housing, Communities and Local Government to determine the appeal.
 3. The purpose of this pre-hearing note is to explain how the event will operate in a fair, open and transparent way and what should be done to ensure it runs smoothly.
 4. **A number of actions are set out in this note for both main parties. These should be actioned no later than the deadlines set out (summarised in Annex 1). All correspondence must be cross copied amongst the parties.**
-

Hearing Arrangements

5. The hearing will run as an in person physical event hosted by the Council in a venue to be confirmed. The Council must provide a copy of its hearing notification letter along with a list of all those notified of the arrangements as soon as possible, if it has not already done so.
6. The Council will need to prepare virtual arrangements to be provided as a backup should any key participant be unable to attend the venue. Should this become necessary, the Inspector should be advised of this as soon as possible with details of these virtual arrangements. Please refer to the guidance for venue and facilities requirements at:

<https://www.gov.uk/government/publications/setting-up-a-venue-for-a-public-inquiry-hearing-or-examination/public-inquiries-hearings-and-examinations-venue-and-facilities-requirements>

7. It would assist the Inspector if both main parties could submit a list of those representing them at the hearing. This should include full name, job title / role in the appeal and professional qualifications.

8. If available, a list of interested parties intending to appear at the event should be provided by the Council. Additionally, it would be helpful if the Council could confirm whether interested parties intend to speak. This should be provided at least two working days in advance of the hearing.
9. Where several interested parties wish to speak on the same or similar issues, they are recommended to elect a spokesperson, if appropriate, to ensure that hearing time is used effectively. The Council is advised to refer to the Planning Inspectorate's venue guidance¹ and to ensure that the layout of the room is suitable for the expected number of attendees.
10. The Inspector requests that, if possible, a separate retiring room be made available to him for the duration of the event.
11. It would be helpful for the Inspector to have access to the internet, and electrical sockets during the hearing, in order to access electronic documentation and evidence in relation to the appeal. Therefore, please can the Council ensure that a network connection will be available at the venue for the Inspector and provide any associated security credentials/passwords to gain access.
12. **A copy of this pre-hearing note, along with the responses from the main parties, including any supporting documents submitted with them, should be made publicly available by the Council upon receipt.**

Format

13. The Inspector will start the event by running through any preliminary matters. The Inspector will issue an agenda before the event, and the content will be discussed at the hearing.
14. The hearing will be run as a structured discussion with the Inspector asking a series of questions in respect of the main issue(s) and any other relevant matters.
15. All parties who so wish, will be given an opportunity to speak. There is no need to repeat representations that have already been made in writing. All written submissions that have been previously made by any party will be considered.
16. The Inspector will ensure there are regular breaks including a lunch break. These will probably take place between discussions on the main issue(s) and are likely to be every 60 to 90 minutes or so.

Statement of Common Ground (SoCG)

17. A Statement of Common Ground signed by both main parties has been submitted. Nevertheless, it would assist the Inspector and help with the efficient running of the hearing if the parties could update the SoCG (or provide an addendum to this document) to provide the following:
 - An agreed list of supporting documents submitted with the application;
 - An agreed list of the plans upon which the Council made its decision;
 - A list of any new evidence or amended plans submitted with the appeal or by the Council;
18. **This should be provided by Wednesday 14 October 2026.**

¹ [Public inquiries; Hearings and Examinations - venue and facilities requirements - GOV.UK](#)

Housing Land Supply (HLS)

19. The parties agree that the Council does not have a five-year supply of housing land. However, the extent of the shortfall has not been agreed. This matter should be fully discussed as part of a revised SoCG, or, if the parties wish, via a specific topic based SoCG covering HLS matters.
20. Notwithstanding this, and unless the parties advise otherwise, there does not appear to be a significant difference between their position in relation to the extent of the shortfall. Therefore, the parties are invited to provide a view as to whether there would be a need to look at the deliverability of each housing site at the hearing? **Please respond to this point by Wednesday 7 October 2026.**
21. If so, to aid this discussion, the parties should produce a 'Scott Schedule' for each individual housing site, clearly setting out the areas of dispute. This approach should be informed by the National Planning Policy Framework definition of a deliverable site, set out in Annex B². If required, **this will need to be submitted no later than Wednesday 14 October 2026.**

Interested Party Representations

22. The Inspector would like to draw the attention of the main parties to representations made by interested parties in respect of both the original planning application and the appeal. The matters raised may be discussed further at the hearing, where appropriate.
23. In particular, the Inspector notes that several representations including those of Mrs M Negus of Four Winds, Mr G Chambers and Mrs D Chambers of Hollycroft, and Mrs S Cooper of 9 Bagworth Road have raised concerns specifically in relation to potential personal health related impacts of the development on the occupiers of Four Winds due to their disclosed disabilities.
24. The provisions of the Equality Act 2010 and associated Public Sector Equality Duty (PSED) are relevant to this case, and this matter may require further discussion at the hearing. Accordingly, the Inspector invites submissions from the main parties addressing the specific concerns raised, the implications for the appeal and what, if any, additional mitigation measures may be appropriate.
25. **Comments in respect of this matter should be provided by Wednesday 14 October 2026.**

Additional Information and Late Evidence

1. Any evidence that any party wishes to rely on must be submitted prior to the hearing. Aside from any requests within this pre-hearing note, it is not anticipated that there will be any need for additional documents to be submitted during the hearing. You should review your cases promptly to ensure that is the case.
2. If the Council has not provided copies of all planning policies (including those relevant to other issues, planning conditions or obligations), Supplementary Planning Documents, consultations etc. that they wish to rely on to support their case, these should be submitted as soon as possible, and no later than the date set out in Annex 1.

² [National Planning Policy Framework - GOV.UK](https://www.gov.uk/national-planning-policy-framework)

3. In particular, the Inspector notes that various technical and statutory consultee responses are referred to in the Council's Planning Committee report, however only some of these appear to have been provided. Please can the Council ensure that all consultee responses have been submitted.
4. Please could the Council also provide a copy of the minutes of the Planning Committee meeting as soon as possible, and no later than the date set out in Annex 1.
5. Any other late evidence should be brought to the attention of the Inspector before the hearing opens and in sufficient time that it can be cross copied amongst the parties.
6. There will be very limited opportunities for the Inspector (or possibly the other parties) to read any late evidence submitted on the day of the hearing. The Inspector will thus not allow the introduction of new evidence by any party at the hearing unless there are exceptional circumstances.
7. **Late evidence submitted at the hearing raises the risk of an adjournment and/or an award of costs.**

Planning Conditions

8. A list of draft planning conditions to be imposed in the event the appeal is allowed, and the reasons for them, has been included in the SoCG. These will form the basis of the conditions discussion at the hearing. Both parties should reflect on whether the conditions would meet the relevant tests³.
9. Copies of any policy or guidance referred to within the suggested conditions should also be provided. The appellant is reminded that their written agreement to any pre-commencement conditions will be required.
10. All discussions in respect of conditions are without prejudice and do not indicate that the Inspector has made up their mind on the outcome of the appeal. Nor will they prejudice the Council's case.

Planning Obligations

11. A draft Section 106 Heads of Terms has been included in the SoCG. In accordance with the Planning Appeal Procedural Guide⁴, there should be a continuous dialogue between the parties in the run up to the hearing about the state of the draft planning obligation to ensure that the final agreement is as good as it can be. A planning obligation will only carry weight in the determination of the appeal if it is complete with all signatories.
12. The appellant should ensure that a final draft of the legal agreement is submitted no later than 2 weeks prior to the opening of the hearing. Therefore, if one is to be submitted, this should be received **no later than Wednesday 7 October 2026**.
13. In finalising the document in advance of the hearing, the appellant should maintain a regular dialogue with the Council and its legal officers to ensure that an agreement can be achieved.

³See Policy DM6 of the National Planning Policy Framework

⁴ [Procedural Guide: Planning appeals – England. For appeals relating to applications dated on or before 31 March 2026. - GOV.UK](#)

14. Once received, the Council will be invited to provide comments on the content of the planning obligation, specifically:
 - Whether it is satisfied that it is legally compliant;
 - Whether it will achieve what is necessary; and,
 - Whether it would overcome any planning issues in order to make the development acceptable in planning terms.
15. This can be set out in a CIL compliance statement. I will require the Council's comments in this regard **no later than Wednesday 14 October 2026**.
16. This will focus our discussion, and the appellant will have the opportunity to respond to this during the hearing. To assist in these respects, the parties are referred to the Planning Inspectorate's good practice guide for planning obligations⁵.
17. Planning obligations should be executed before the hearing closes, without the need for an adjournment. The Inspector will not delay the issue of a decision to wait for an obligation to be executed unless there are very exceptional circumstances.
18. Please note, Article 40(3)(b), of The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires the Council to publish all Obligations on its planning register.
19. All discussions in respect of planning obligations are without prejudice and do not indicate that the Inspector has made up their mind on the outcome of the appeal. Nor will they prejudice the Council's case.

Costs

20. If applications for costs are to be made, the Planning Practice Guidance (PPG) makes it clear that all costs applications must be formally made to the Inspector before the hearing is closed, but as a matter of good practice, and where circumstances allow, costs applications should be made in writing before the hearing. You should give the other party timely notice to enable them to compose a response. You are reminded that in order to support an effective and timely planning system in which all parties are required to behave reasonably, the Inspector has the power to initiate an award of costs in line with the PPG.

Site Visit

21. The Inspector will need to visit the appeal site, and any neighbouring land necessary to understand the site context. This will be done once the hearing has closed and likely on the second day depending on time.
22. At this stage, the Inspector is minded to visit the site on an accompanied basis, and the main parties will thus need to be available, unless it is agreed otherwise that it can be carried out unaccompanied. The Inspector will review this in light of the discussions on the day.

⁵ [Planning Obligations: good practice advice - GOV.UK](#)

Annex 1: Timetable for the submission of documents and other actions required by this Pre-hearing Note

Date	Submission / Action
On receipt of this note	• Council to publish this Pre-hearing Note online with all other appeal documentation • Council to provide a copy of its hearing notification letter and a list of all those notified of the arrangements
By 7 October 2026	• Main parties to provide a list of those who will be attending the hearing on their behalf • Council to provide confirmation of parking arrangements, details of the retiring room, and instructions for accessing the internet at the venue • Parties to provide their view as to whether there is a need to explore HLS on an individual site by site basis • Deadline for the submission of a draft Section 106 legal agreement
By 14 October 2026	• Submission of revised / addendum Statement of Common Ground (incl. agreed application plans and documents, list of new evidence/plans, HLS position) • If required, submission of a Scott Schedule in relation to deliverable housing sites • Main parties to provide comments in respect of PSED issues raised by interested parties • Council to submit comments on the content of the draft Section 106 legal agreement • Any missing planning policies, documents, consultations etc must be submitted • Council to submit planning committee meeting minutes
By 19 October 2026	• List of interested parties intending to appear at the event and if they intend to speak