

# Combined Planning Appeal Statement (Written Representations)

Appeal under Section 78 of the Town and Country Planning Act 1990

## Appellant

**Business Solutions Associates Limited**

Barking House  
Farndon Road  
Market Harborough  
Leics  
LE16 9NP

## Appeal Site

**Moorbeck, 7 Butt Lane Close, Hinckley, Leicestershire, LE10 1LF**

## Local Planning Authority ('LPA')

**Hinckley and Bosworth Borough Council**

## Appeals Covered by this Statement

This statement is prepared as a combined written representations document for:

1. **Appeal A** – refusal of planning permission for application **25/01058/FUL**.
2. **Appeal B** – non-determination of the second 2025 planning application relating to the same site, application reference **25/01059/FUL**.

## Appeal A: Refused Application

### Application Details

- **Application reference:** 25/01058/FUL

- **Date of application:** 3 November 2025
- **Date of decision:** 16 January 2026
- **Decision:** Refused
- **Decision maker:** Christopher Brown MRTPI, Head of Planning
- **Applicant:** Business Solutions Associates Limited

## Description of Development

Extension and alterations to existing dwelling and the erection of 2 semi-detached dwellings, being a resubmission of application 22/00613/FUL (itself a resubmission of application 07/00472/FUL).

## Appeal B: Non-Determination Application

### Application Details

- **Application reference:** 25/01059/FUL
- **Date of application:** 3 November 2025
- **Validation date:** 2 December 2025
- **Statutory determination deadline:** 28 January 2026
- **Date of decision:** No decision made
- **Extensions of time or correspondence about extensions of time:** None
- **Applicant:** Business Solutions Associates Limited

## Description of Development

Erection of 2 semi-detached dwellings, being a resubmission of application 22/00612/FUL (itself a resubmission of application 07/00470/FUL).

## Planning History

The appeal site has an established planning history demonstrating that residential development on the site has been accepted in principle over a number of years. The relevant planning application history is as follows:

| Reference    | Date / period                                 | Outcome | Description                                                |
|--------------|-----------------------------------------------|---------|------------------------------------------------------------|
| 01/00550/FUL | 31 May 2001;<br>decision 13<br>September 2001 | Granted | Two detached houses plus extensions and alterations to the |

| Reference                                                | Date / period                                                               | Outcome                                                      | Description                                                                                                                                                                                      |
|----------------------------------------------------------|-----------------------------------------------------------------------------|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                          |                                                                             |                                                              | existing Moorbeck property                                                                                                                                                                       |
| 02/00027/FUL                                             | 7 January 2002;<br>decision 28 February 2002                                | Granted                                                      | Altered the existing house and the two proposed new houses from two storeys to three storeys by creating accommodation within the roof space                                                     |
| 03/00434/FUL                                             | 16 April 2003;<br>refused 16 July 2003;<br>appeal decision 19 December 2003 | Refused, then allowed on appeal by the Planning Inspectorate | Changed the middle detached house into two 4 bed three-storey semi-detached houses; an important precedent for later schemes                                                                     |
| 04/01145/FUL                                             | Submitted 21 September 2004;<br>decision 20 April 2005                      | Refused                                                      | Sought four 4 bed three-storey semi-detached houses plus extensions and alterations to the existing Moorbeck property                                                                            |
| 2005 revised application / appeal following 04/01145/FUL | 2005 to January 2007                                                        | Not submitted                                                | Both a revised application and appeal were intended after the 2005 refusal, but were in fact never submitted despite representations from the architects (Hayward Architects) that they had been |

| Reference    | Date / period                          | Outcome | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------|----------------------------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/00472/FUL | 18 April 2007;<br>decision 4 July 2007 | Granted | Dealt with the 'top' of the site, i.e. the redevelopment of the original Moorbeck building and the pair of semi-detached houses in the middle of the site; effectively renewing that part of the scheme as previously granted by the LPA under 03/00434/FUL                                                                                                                                                                                                                                     |
| 07/00470/FUL | 18 April 2007;<br>decision 4 July 2007 | Granted | Two semi-detached houses at the 'bottom' of the site in substitution for the second detached house, one being a 4 bed three-storey dwelling and the other being a 3 bed two-storey dwelling (utilising the existing garage instead), i.e. stepping down of the height for the fourth semi-detached dwelling in accordance with the 2003 planning appeal.<br>Significantly, contains no requirement or condition that the 'top' of the site (dealt with under 07/00472/FUL) need to be developed |

| Reference    | Date / period                                  | Outcome | Description                                                                                                                                                            |
|--------------|------------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              |                                                |         | either first, or in conjunction with, 07/00470/FUL                                                                                                                     |
| 07/00471/FUL | 18 April 2007;<br>decision 1 August 2007       | Refused | Alternative proposal for two semi-detached dwellings at the bottom of the site as two 4 bed three-storey dwellings (i.e. no stepping down at the 'bottom' of the site) |
| 10/00067/EXT | 28 January 2010;<br>decision 24 March 2010     | Granted | Extension and alterations to existing dwelling and the erection of 2 semi-detached dwellings, being a resubmission of application 07/00472/FUL                         |
| 10/00066/EXT | 28 January 2010;<br>decision 24 March 2010     | Granted | Erection of 2 semi-detached dwellings, being a resubmission of application 07/00470/FUL                                                                                |
| 11/00681/FUL | 19 September 2011;<br>decision 17 January 2012 | Granted | Extension and alterations to existing dwelling and the erection of 2 semi-detached dwellings, being a resubmission of application 07/00472/FUL                         |

| Reference    | Date / period                                  | Outcome | Description                                                                                                                                                                                                                                                                                                 |
|--------------|------------------------------------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/00680/FUL | 19 September 2011;<br>decision 17 January 2012 | Granted | Erection of 2 semi-detached dwellings, being a resubmission of application 07/00470/FUL                                                                                                                                                                                                                     |
| 14/00216/FUL | 31 March 2014;<br>decision 25 July 2014        | Granted | Extension and alterations to existing dwelling and the erection of 2 semi-detached dwellings, being a resubmission of application 07/00472/FUL                                                                                                                                                              |
| 14/00217/FUL | 31 March 2014;<br>decision 25 July 2014        | Granted | Erection of 2 semi-detached dwellings, being a resubmission of application 07/00470/FUL                                                                                                                                                                                                                     |
| 16/00408/FUL | 10 June 2016;<br>decision 4 August 2016        | Granted | Erection of a single storey dwelling and detached garage at 31a Trevor Road, taking into account the granting of applications 07/00470/FUL and 07/00472/FUL and renewals thereof for the adjoining Moorbeck property of which the architects (Hayward Architects) were of course expressly aware - as above |

| Reference    | Date / period                                  | Outcome | Description                                                                                                                                                                                                                                                                                                 |
|--------------|------------------------------------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16/00845/FUL | 9 September 2016;<br>decision 4 November 2016  | Granted | Extension and alterations to existing dwelling and the erection of 2 semi-detached dwellings, being a resubmission of application 07/00472/FUL                                                                                                                                                              |
| 16/00844/FUL | 9 September 2016;<br>decision 4 November 2016  | Granted | Erection of 2 semi-detached dwellings, being a resubmission of application 07/00470/FUL                                                                                                                                                                                                                     |
| 17/00921/FUL | 11 September 2017;<br>decision 6 November 2017 | Granted | Erection of a single storey dwelling and detached garage at 31a Trevor Road, taking into account the granting of applications 07/00470/FUL and 07/00472/FUL and renewals thereof for the adjoining Moorbeck property of which the architects (Hayward Architects) were of course expressly aware - as above |
| 19/01055/FUL | 18 September 2019;<br>decision 3 December 2019 | Granted | Extension and alterations to existing dwelling and the erection of 2 semi-detached dwellings, being a                                                                                                                                                                                                       |

| Reference      | Date / period                                  | Outcome | Description                                                                                                                                                                                                     |
|----------------|------------------------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                |                                                |         | resubmission of application<br>07/00472/FUL                                                                                                                                                                     |
| 19/01056/FUL   | 18 September 2019;<br>decision 3 December 2019 | Granted | Erection of 2 semi-detached dwellings, being a resubmission of application<br>07/00470/FUL                                                                                                                      |
| 21/00603/HHGDO | 28 April 2021;<br>decision 8 June 2021         | Granted | Single storey rear extension and other alterations to Chanterelle, 15 Butt Lane Close, taking into account the granting of application<br>07/00470/FUL and renewals thereof for the adjoining Moorbeck property |
| 22/00613/FUL   | 24 June 2022;<br>decision 3 November 2022      | Granted | Extension and alterations to existing dwelling and the erection of 2 semi-detached dwellings, being a resubmission of application<br>07/00472/FUL                                                               |
| 22/00612/FUL   | 24 June 2022;<br>decision 3 November 2022      | Granted | Erection of 2 semi-detached dwellings, being a resubmission of application<br>07/00470/FUL                                                                                                                      |

| Reference    | Date / period                                                  | Outcome                                          | Description                                                                                                                                                                                                |
|--------------|----------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 23/00321/HOU | 31 March 2023;<br>decision 1 August 2023                       | Granted                                          | Alterations to front elevation and internal layout, Chanterelle, 15 Butt Lane Close, taking into account the granting of application 07/00470/FUL and renewals thereof for the adjoining Moorbeck property |
| 25/01058/FUL | Application dated 3 November 2025;<br>decision 16 January 2026 | Refused                                          | Extension and alterations to existing dwelling and the erection of 2 semi-detached dwellings, being a resubmission of application 07/00472/FUL                                                             |
| 25/01059/FUL | 2025                                                           | Not determined at the time of appeal preparation | Erection of 2 semi-detached dwellings, being a resubmission of application 07/00470/FUL                                                                                                                    |

The planning history of Moorbeck shows a consistent and incremental evolution of residential development proposals on the site over a long period. The earliest applications sought two new detached dwellings with alterations to the existing house, the later applications moved toward a denser townhouse or semi-detached format, and the 2003 appeal established an important acceptance in principle of three-storey semi-detached development on the site.

This evolution was a deliberate progression rather than a series of unrelated schemes. In particular, the successful appeal decision on 19 December 2003 became the key precedent for the later applications, and the 2007 permissions substantially regularised the form of development that earlier applications had been seeking to achieve.

Notably, the approved 2007 applications provided for two separate blocks of semi-detached properties with three of these being 4 bed three-storey properties and the final one (at the 'bottom' of this sloping site) being a 3 bed two-storey property (by utilising the existing garage), thus effecting the 'stepping down' of the development as to the end of the site consistent with the permitted planning appeals.

The 2007 applications numbered 07/00470/FUL and 07/00472/FUL were approved by the LPA and are the same development in all material respects as the two applications under appeal. These successful 2007 applications were then renewed by the LPA without demur in 2010, 2012, 2014, 2016, 2019 and 2022.

At the same time as the renewal of these 2007 applications was approved between 2010 and 2022, the LPA approved alterations and extensions to the neighbouring Chanterelle property, and to the new property approved at 31a Trevor Road, all taking into account and dependent upon the assumption that the 2007 permissions would be built out as approved and renewed.

That history is material because it demonstrates repeated acceptance of residential redevelopment within the Moorbeck site in precisely the terms of the current applications.

The planning history relevant to the present appeals shows that the principle of residential redevelopment at Moorbeck in these terms has been tested many times, and approved on multiple occasions, through appeal, applications and multiple later renewals.

## Correspondence with LPA as to the 2025 applications

In correspondence the LPA approved the submissions and drawings, including the BNG documentation and proposals. The subsequent attempt by the LPA to resile from these approvals is odd and wholly misconceived.

## Refusal Reasons for 25/01058/FUL

The refusal notice gives two reasons:

### Reason 1: Ecology Information

The LPA states that the application contains insufficient ecological information. In particular, it says a Preliminary Roost Assessment / Ground Level Tree Assessment was not submitted, that the existing building and affected habitat were not assessed for suitability for roosting bats, and that the likely ecological impacts and proportionate mitigation were therefore not adequately identified.

The refusal reason concludes that the potential ecological impacts would significantly and demonstrably outweigh the benefits of the proposal and that the proposal conflicts with **Policy DM6 of the Site Allocations and Development Management Policies DPD 2016** and the requirements of the **NPPF**.

## Reason 2: Biodiversity Net Gain

The LPA asserts that the application lacks sufficient Biodiversity Net Gain information. In particular, it says that a baseline habitat plan and condition assessment sheets for the applicable baseline habitats on site, including native hedgerow, were not provided.

The refusal reason concludes that the proposal does not accord with the **Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024**, the **Biodiversity Net Gain Planning Practice Guidance**, and the requirements of the **NPPF**.

## Grounds of Appeal: Appeal A

The appellant respectfully contends that planning permission should have been granted, or alternatively that any outstanding matters could properly have been addressed through the provision of further technical information by way of proportionate planning conditions.

### Ground 1: The Principle of Development in These Precise Terms is Well Established

This is a site with a clear planning history of approvals of the precise scheme under consideration. The proposal is a resubmission of an earlier approved 2007 scheme, itself based on a successful 2003 Planning Inspectorate appeal, and the subject of multiple approved renewals. That history is a material consideration carrying substantial weight. The LPA's refusal does not dispute the site location in policy terms, the residential character of the surroundings, or the principle of providing dwellings at this address.

This is important because the refusal is not based on highway safety, design, residential amenity, overdevelopment, flood risk, or conflict with the general settlement strategy. The refusal is instead confined to purported missing technical information on ecology and Biodiversity Net Gain.

### Ground 2: The Refusal is Directed to Asserted Information Gaps Rather Than Demonstrated Planning Harm

The first refusal reason does not identify any proven ecological harm arising from the proposal. Instead, it identifies an absence of survey material. The same is true of the second reason, which identifies missing baseline and condition information for Biodiversity Net Gain purposes rather than any established inability of the site to deliver policy-compliant biodiversity outcomes.

The appeal therefore concerns whether the development is unacceptable in principle, or whether the missing technical material is capable of being supplied and assessed by way of condition without prejudice to proper decision-taking. The appellant's case is that the latter is the correct position.

### Ground 3: Ecology Matters are Capable of Resolution

The appellant acknowledges the importance of ecological assessment, especially where an existing building may have bat roost potential. However, the absence of a Preliminary Roost Assessment at application stage does not by itself demonstrate that the development would cause unacceptable ecological harm.

Moreover, roost assessments have been submitted on multiple previous occasions and no evidence whatsoever has been found which would support even the imposition of conditions, let alone a refusal of permission.

The LPA's reason does not say that bats are present, that roosts would be destroyed, or that mitigation is impossible. It says that the information submitted was insufficient. If the Inspector considers current survey information inadequate, a condition could require updated Preliminary Roost Assessment / Ground Level Tree Assessment and, if necessary, further bat survey and mitigation, to be submitted and approved before any demolition or works that might affect potential roost features.

The appellant therefore submits that the Inspector can reasonably conclude that at worst the ecology issue is one of evidence gathering and mitigation design, not one of established in-principle harm.

### Ground 4: Biodiversity Net Gain Matters are Also Capable of Resolution By Way of Condition

The second refusal reason is similarly framed around the absence of baseline habitat information. It does not conclude that the site cannot achieve the statutory biodiversity objective. It concludes that the Local Planning Authority was not satisfied because the necessary baseline material had not yet been provided as far as they are concerned.

In the first place, this is materially incorrect. The application includes a baseline plan and condition assessment sheets and the metric shows at least 10% net gain with both on-site measures specified and the applicant alternatively offering to purchase such statutory credits as are necessary to deliver the gain, and such offer to purchase credits is hereby repeated.

Secondly, the BNG documentation submitted is sufficient for a small site of this nature, or any errors are *de minimis* and should not affect approval.

Thirdly, any existing deficiency in BNG documentation can be remedied by a condition requiring, prior to works being carried out, the preparation and submission of additional versions, or revised versions, of the following, to the extent that the Inspector considers necessary to remedy any insufficiencies thus far provided in the Inspector's view:

- a baseline habitat plan;
- habitat condition assessment sheets;
- a completed metric calculation, as applicable;
- a Biodiversity Gain Plan or equivalent supporting information required at the relevant stage; and
- any landscaping, habitat creation, or off-site measures needed to secure policy compliance.

The appellant submits that the Inspector should distinguish between a proposal that is inherently incapable of delivering Biodiversity Net Gain and a proposal where (which is disputed, but if the Inspector nevertheless found that to be the case) the technical evidence has not yet been fully assembled. The appellant denies that the documentation submitted is deficient, particularly with the offer of purchasing credits, but even if it were insufficient then this case would at worst fall into the second category, where a condition can rectify any documentation not yet fully assembled before works commence.

## Ground 5: Proportionate Decision-Making

The refusal notice records that the LPA sought to work positively and proactively with the applicant, but it remains notable that both refusal reasons concern matters that are commonly addressed through conditions as to additional ecological and biodiversity submissions. In a case where the underlying form of development is a modest residential scheme at a site with almost two decades of planning history fully supporting the exact development in question and the renewal of that permission, a proportionate approach is particularly important.

The appeal provides an opportunity for the development to be considered on its actual planning merits, together with any further material the Inspector considers either could usefully now be submitted or which can simply be addressed by way of condition.

## Appeal B: Grounds in Principle

The appellant's case on the non-determination appeal is as follows:

1. The Local Planning Authority did not issue a decision within the statutory period.

2. The Inspector therefore stands in the shoes of the decision-maker and should determine the application on its planning merits.
3. The site planning history remains a significant material consideration.
4. Any ecology or Biodiversity Net Gain matters should be assessed on the same basis as set out above under Appeal A.

## Development Plan and Material Considerations

The refusal notice expressly relies on **Policy DM6 of the Site Allocations and Development Management Policies DPD 2016** and the **NPPF**. The statutory Biodiversity Gain regime is also relied upon in relation to the second refusal reason.

For the purposes of this appeal, the key policy issue is not whether biodiversity policy matters can be ignored. They plainly cannot. The key issue is whether the proposal should be refused outright, or whether the outstanding ecology and Biodiversity Net Gain material can be made subject to a condition, or now supplied if the Inspector deems that necessary due to any deficiency, so that the development can be approved subject to suitable safeguards.

## Planning Balance

These established and often-renewed plans offer several material benefits:

- the continued beneficial use and upgrading of a residential site;
- the provision of additional dwellings in an established settlement location;
- efficient use of land in a built-up context;
- construction-related economic activity; and
- the opportunity to secure ecological mitigation and biodiversity enhancement through a properly evidenced final scheme.

Against those benefits, the present objections are evidential rather than substantive. The refusal notice does not identify any proven design harm, amenity harm, highway harm, drainage harm, or settlement policy conflict. The central issue is the allegation of incomplete ecology and Biodiversity Net Gain information.

The appellant therefore submits that the overall planning balance weighs in favour of allowing the appeal, particularly where the outstanding technical matters are capable of being addressed through conditions or, if the Inspector prefers or deems it necessary, updated evidence.

## Site Visit Matters

During any site visit, the Inspector is requested please to note:

- the residential context of Butt Lane Close;
- the relationship of the appeal site to surrounding built development;
- the existing dwelling and site layout;
- the scope for redevelopment and reconfiguration within the plot; and
- the extent to which ecological and landscaping measures can be incorporated into any final approved scheme.

## Concluding Remarks As To Ecology and BNG

The appellant does not contend that protected species or Biodiversity Net Gain requirements can simply be left unexamined until after permission. The proper question is whether the Inspector can be satisfied that the proposal is capable of compliant delivery, with any residual matters of survey updating, mitigation detail, biodiversity gain documentation, off-site provision and, if necessary, statutory credits then secured through precise pre-commencement conditions. In light of the site's repeated planning approvals, the absence of any objection in principle to residential redevelopment here, and the limited scale of the current scheme, the appellant submits that refusal would be disproportionate where the remaining matters are capable of being resolved in that orthodox way.

## Relief Sought

The appellant respectfully requests that the Inspector:

1. **Allows Appeal A** and grants planning permission for application **25/01058/FUL**, subject to appropriate conditions.

2. **Allows Appeal B** and grants planning permission for application **25/01059/FUL**, subject to appropriate conditions.

In the alternative, and at a minimum, the appellant requests that the Inspector treats the appeal issues as turning on resolvable technical matters rather than any fundamental objection to development at the site in the terms of the applications.

## Signature Block

Signed: *Scott Halborg*

Name: **Scott Halborg**

For and on behalf of **Business Solutions Associates Limited**

Date: **21 June 2026ne**