



Appeal Decision

Site visit made on 27 October 2025

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/K2420/W/25/3367383

The White House, Bosworth Road, Wellsborough, Leicestershire CV13 6PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Warner against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 24/00322/FUL.
 - The development proposed is erection of single storey self-build custom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of development in the banner above as it appears on the application form but removed superfluous wording that is not an act of development.
3. The appellant has submitted a planning obligation which seeks to secure the development as self or custom build. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations) and paragraph 58 of the National Planning Policy Framework (the Framework) set out three tests that planning obligations must meet. I am satisfied that the obligation is necessary to make the development acceptable in planning terms to secure a self-build dwelling. It is directly related to the development proposal and is fairly and reasonably related in scale and kind to the development. I am therefore satisfied that the planning obligation would meet the requirements of the CIL Regulations and the Framework and have taken it into consideration as part of the determination of the appeal.

Main Issues

4. The main issues are:
 - whether the proposed development would provide a suitable location for housing, having regard to its effect on the character and appearance of the area and the proximity of services and facilities; and
 - whether the proposal would provide acceptable living standards for future occupants, with particular regard to outlook and light.

Reasons

Location

5. It is not disputed that the appeal site is situated outside any defined settlement boundary. I also acknowledge that the appeal site is within the garden area of The White House. Nonetheless, The White House and its surrounding curtilage are located within the countryside for development plan purposes.
6. As the appeal site is located near The White House, it is not, however, isolated for the purposes of the Framework.
7. SADMP¹ Policy DM4 comprises two limbs that together seek to protect the countryside, including its open character and landscape, from unsustainable development. The first limb of Policy DM4 specifies the types of development deemed sustainable. There is no compelling evidence before me which indicates that the scheme would meet any of the listed criteria a) – e) which form the first limb of Policy DM4.
8. The site is within the Sence Lowlands Area (SLA), as defined by the Council's Landscape Character Assessment. This area is characterised, amongst other things, by its rural and tranquil character and a flat, gently rolling landscape, both of which I observed during my visit.
9. The appeal site forms part of the curtilage of The White House and contains a small number of outbuildings set amongst mature trees and hedging. The wider area is characterised by open fields, pockets of woodland, bodies of water and hedgerows with some dispersed built form.
10. Landscape strategies of the SLA include the conservation of open rural views; the retention of areas of tranquillity and rural character. Key sensitivities and values of the SLA include the rural character with a lack of significant intrusions or light pollution, resulting in a sense of remoteness and tranquillity. Due to the minor scale of existing built form, part open verdant appearance and grouping of mature trees, the appeal site makes a positive contribution to the rural character and appearance of the area.
11. I've noted the appellants' input into the design of the scheme. It is also acknowledged that the present design of the scheme, on the evidence before me, has been influenced partially as a result of comments received from the Midlands Design Review Panel². Nonetheless, the appeal scheme has not been subject to the same review.
12. My attention has been brought to paragraph 139 of the Framework. Criterion b) states significant weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. No substantive evidence has been presented regarding the proposal's sustainability credentials. I am not, therefore, able to find other than that the proposal would not promote a high level of sustainability.
13. The proposed development would be of an irregularly shaped walled garden design that partially wraps around the garden of the White House. It would be constructed with a mix of brick and cladding types. The proposal would also include glazed elements in several elevations. The appeal scheme appears to have been inspired by the walled garden at the nearby Bosworth Hall.

¹ Site Allocations and Development Management Policies DPD July 2016

² Midlands Design Review Panel, letter ref: DMDR028, dated 13 August 2024

14. It is also suggested that the scheme will raise the standard of what can be achieved through '*retirement or later life living accommodation*' within the Borough and raise people's expectations when the word "bungalow" is raised in everyday conversation. However, the evidence presented does not explain what makes the scheme innovative, given that many of the design elements, particularly behind the walled garden, are common features in contemporary dwellings, including single-storey ones.
15. The proposed dwelling is single-storey, and its visibility would be contained in some views within the wider rural context because of its positioning next to the adjoining garden and retained trees. These relationship features would reduce some of the visual encroachment into the surrounding countryside. Nonetheless, the removal of numerous trees, partial hedgerow, the creation of a long stretch of surfaced access track, and the erection of a dwelling with contrasting materials would result in an incongruous encroachment of built form into the open countryside, significantly harming the intrinsic beauty and character of the surrounding landscape.
16. Additionally, the associated domestic activities and paraphernalia would lead to an intensification in the use of the land, to the detriment of the tranquil character of the area. These harmful intrusions would be highly observable from closer and medium-range views and from the adjacent public right-of-way. As such, the scheme would not be of an outstanding design given the harms identified.
17. Turning to the proximity of services and facilities. Some services and facilities are available in Market Bosworth. However, due to the distance, lack of footways and street lighting, it is unlikely that these services and facilities would be accessible on foot or by bicycle, making them 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.
18. While home delivery is becoming more common, this only represents a limited reason to travel amongst many others. I acknowledge that the appellants are seeking to downsize and may choose an EV vehicle. However, both personal circumstances and occupiers inevitably change, such that these matters carry little weight in favour of the appeal.
19. For the reasons set out above, the proposed development would harm the character and appearance of the area. It would be contrary to the Development Plan's strategy for housing and promoting sustainable patterns and would therefore conflict with the aims of Policies S1, S2, S8, and S10 of the Sheepy Neighbourhood Plan (SNP) and Policies DM1, DM4, DM10 and DM17 of the SADMP. Together, amongst other things, these seek development to respond positively to the character and appearance of the area whilst safeguarding the countryside and rights of way and promote sustainable patterns of development. I give significant negative weight to these conflicts.

Living conditions

20. The design of the scheme would see several mature trees retained. The proposed dwelling would see a number of windows, including those that serve the pool room, principal bedroom, study, family area and lounge, be in proximity to these

trees. The proposal's private outdoor amenity space would also be located close to these retained trees.

21. The proximity and maturity of these trees to numerous windows and the outdoor amenity space would create an oppressive and gloomy environment. Moreover, it is unlikely that sufficient daylight and sunlight would enter the main living space, especially when the trees are in full leaf. Full technical evidence, such as a daylight and sunlight assessment, has not been submitted to demonstrate otherwise. Whilst I have been directed to an internal light study, this is only a selection of computerised images, so I cannot be sure it would accurately reflect the position and scope of tree coverage to be a true representation of light into these rooms. Therefore, I find the proposed development would not provide a suitable living environment for future occupiers with regard to outlook and light.
22. I note the appellants comments and consultee response in relation to the loss of trees and replacement planting. Nonetheless, this does not overcome the harms identified above.
23. Consequently, the proposed development would not provide a suitable living environment for future occupiers with regard to outlook and light. Therefore, the proposal would conflict with SNP Policy S8 and SADMP Policy DM10. These seek, among other matters, to avoid adverse effects on the amenities of future occupiers. Accordingly, I give significant negative weight to this harm.

Other Matters

24. Matters related to the procedure of using a design review board, as discussed at the Planning Committee meeting, fall outside the scope of this appeal, which I have determined on its own merits.
25. I acknowledge that the appellants' retirement and desire to move into single-storey accommodation that is designed to meet specific future personal needs. However, these are primarily private benefits that carry limited weight in favour of the scheme. Moreover, whilst it is suggested that The White House will become available for a growing family, there would be nothing preventing the property from being occupied by a single person, such that this matter also only attracts limited weight.
26. I do not have the full details and background, but the presented appeals and supporting evidence raise and discuss similar issues to those above, as well as housing land supply and self and custom build provision. However, they are not directly related to, or seen in the proximity of, the appeal site, and some seek a greater quantum of development and are therefore materially different from the appeal scheme. For these reasons, I have allocated limited weight to these decisions and supporting information.
27. However, I have still taken the submitted appeal decisions from within the borough into account, insofar as they relate to self and custom build dwellings and the Council's housing land supply position.

Planning Balance

28. Section 38(6) of the Planning and Compulsory Purchase Act provides that the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise.

29. The Council acknowledges that it is unable to demonstrate a 5-year supply of deliverable housing sites and puts its supply position at 3.89 years. The dwelling is proposed as a self/custom build project. The Council accepts that its supply of self-build and custom build units is insufficient to meet its statutory duties, resulting in a shortfall of 17 units. In line with paragraph 11 d) ii of the Framework, planning permission should be granted unless the adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
30. The Framework seeks to significantly boost the supply of all types of homes, including bungalows and make effective use of land. The Framework also notes that small and medium-sized sites can make an important contribution to meeting the housing requirement of an area and gives specific support to the development of windfall sites.
31. In view of the level of shortfall, a single dwelling would at most make a small contribution to the council's housing stock, which attracts modest weight in the proposal's favour. In light of the continued shortfall for self/custom-built dwellings, I attach significant weight to the scheme. However, given that the proposal would only provide a single self/custom-build dwelling, such a benefit only attracts modest weight in favour of the proposal.
32. There would also be some minor economic benefits during the construction and occupation of the dwelling, and from environmental benefits from new landscaping. However, the proposal's location would be contrary to the spatial strategy set out in the development plan, and it would not be in a location that provides sustainable modes of transport. As such, it would conflict with the Framework, which seeks to promote sustainable development in rural areas and in sustainable locations.
33. It would also harm the character and appearance of the area and fail to provide adequate living conditions for future occupiers. As such, it would fail to achieve the objectives of the Framework, which seek development to be sympathetic to local character, including the landscape setting, and to provide a high standard of amenity for future users.
34. While I acknowledge the appellants' desire to secure a self/custom build dwelling tailored to their retirement needs, these are primarily personal circumstances that carry limited weight in the planning balance. When assessed against the policies of the Framework taken as a whole, I find that the proposal's adverse impacts significantly and demonstrably outweigh its benefits. Accordingly, the presumption in favour of sustainable development does not apply.

Conclusion

35. The development would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should be dismissed.

A Hickey

INSPECTOR