

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990 (as amended) Approval of Details Reserved by Condition

CONDITIONS DISCHARGED

Name and Address of Applicant	Name and Address of Agent (if any)
Mr T Sinnott Ivy House Farm Bilstone Road Congerstone Shackerstone Leicestershire CV13 6LW	Miss Sally Moore The Rural Planning Co The Farm Office Millridge Farm Parsons Lane Hartlebury DY11 7YQ

Part I – Particulars of Application

Planning Reference:	26/00535/DISCON
Application Site:	Ivy House Farm, Bilstone Road, Congerstone, Shackerstone, Leicestershire, CV13 6LW
Proposal:	Application to discharge Conditions 4 (Public Right of Way Management Plan), 7 (Habitat Management and Monitoring Plan) and 8 (Landscaping) from 25/00713/FUL

Part II – Summary of Decision

CONDITIONS DISCHARGED

In pursuance of its powers under the Town and Country Planning Act 1990 (as amended), the Local Planning Authority hereby approves the details submitted in relation to the following conditions:

Condition 4 - Public Right of Way Management Plan

Condition 7 – Habitat Management and Monitoring Plan

Condition 8 – Landscaping

The details submitted are **ACCEPTABLE** and the conditions are **DISCHARGED**. The development must be carried out in strict accordance with the approved documents and the full terms of the condition(s).

- **Application Form**
- **Covering Letter**
- **Habitat Management and Monitoring Plan**

- **Proposed Habitat Plan J1008911-11a D**
 - **Public Right of Way Management Plan**
 - **Fencing details J1008911-14**
 - **Biodiversity Gain Details**
 - **Baseline Habitat Map**
 - **Preliminary Ecological Appraisal**
 - **Small Sites Metric**
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C. Brown.

Date: 18 September 2026

Christopher Brown MRTPI
Head of Planning

Part III – Particulars of Decision

Condition 4

No development shall commence until a Public Right of Way Management Plan for footpath S91/1 has been submitted to and approved in writing by the local planning authority. Once approved, the management plan shall be implemented in accordance with the agreed details and timetable.

Condition 7

No development shall take place (including ground works or vegetation clearance) until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the local planning authority. The approved plans/details shall be adhered to and implemented unless otherwise agreed in writing by the local planning authority.

Condition 8

No development shall take place until a scheme of hard and soft landscaping works including boundary treatments for the site and an implementation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping details within one year of the approved scheme commencing. 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.

Consultee response:

Leicestershire Highway Authority – No objection.

Leicestershire County Council Ecology Team – No objection.

Assessment:

Planning permission 25/00713/FUL requires a Public Right of Way (PRoW) Management Plan, as the site access and private farm drive is also the route of PRoW 'Footpath S91' that then heads towards the settlement of Wellsborough. The LHA have reviewed the submitted Management Plan and are satisfied that it addresses any potential issues.

It is noted that the applicant should also be aware of the following matters:

- Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
- Public Rights of Way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority.
- The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
- If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
- Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- No new gates, stiles, fences, or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way, and the County Council may be obliged to require its immediate removal.

From a landscaping and ecological perspective, the scheme comprises the following elements:

- Tree planting – 48 small trees are proposed within the designated BNG area located at the southern end of the site, as annotated on the block plan. The species, spacing, and pit specification will be in accordance with the approved BNG proposals for the site.
- Modified grassland – an area of approximately 415m² of modified grassland is proposed at the southern end of the site, contributing to the habitat enhancement strategy.
- Existing planted trees – two areas of existing planted trees within and adjoining the site are to be retained in situ, as annotated on Drawing J1008911-11a.

The scheme will provide a functional and appropriate boundary treatment through the use of steel mesh panel fencing, retain existing hedgerows and planted trees of ecological and screening value. It also delivers meaningful soft landscaping and biodiversity net gain through the proposed tree planting and modified grassland at the southern end of the site.

The Ecology Team have been consulted on the details and raise no objections.

It is considered therefore that the details as submitted are sufficient to discharge Conditions 4, 7 and 8 of Planning Permission 25/00713/FUL.

Note to Applicant:

- Where conditions are not discharged, the applicant has the right to appeal the decision via the Planning Inspectorate. Details of how to appeal can be found at:
www.gov.uk/appeal-planning-decision
Alternatively, the applicant may submit a new application, together with the relevant fee and supporting documentation addressing the outstanding requirements.
- Where conditions have been partially discharged, the applicant is required to submit a new application to fully discharge the condition together with the relevant fee and supporting documentation addressing the outstanding requirements.