

Andrew Large Surveyors Ltd

Statement of Case

Application No. 25/01130/PIP - Permission in
Principle for the erection of 9 dwellings at Land
West Of Barton Road, Carlton, Leicestershire

18th May 2026 – Andrew Large

Table of Contents

1.0 Executive Summary 2

4

5

6

7

8

8 8

10

11

13

6.5 Conflict with HDM Policy 1 of the Leicestershire Highway Design Guide (2024) 16

6.6 Conflict with Paragraph 8 of the National Planning Policy Framework (2024) 17

6.7 Conflict with Chapters 9, 11, 12 and 15 of the National Planning Policy Framework (2024) 17

6.8 Permission in Principle and the proper scope of the decision 18

6.9 Housing land supply and the tilted balance 18

6.10 Public benefits and planning Balance under 11(d) 20

7.0 Conclusion 21

8.0 Core Documents List 23

1.0 Executive Summary

This report supports an appeal for a refused Permission in Principle (PIP) application for up to 9 dwellings.

The refusal (Decision Notice dated 18 February 2026) states:

1. The proposal represents the uncontained urbanisation of the designated open countryside. The principle of the provision of nine residential properties in this location would therefore result in the significant and permanent harm to the rural character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the countryside and the Barton Village Farmlands Landscape Character Area, to which the site positively contributes to. The significant and detrimental impacts of the development in principle to the character of the area would be exacerbated by the visual prominence of the site from Barton Road and Nailstone Road to the east, and Public Footpath S69 to the west. As a result, the scheme would not be well designed and would fail to reflect local design policies and government guidance on design as a matter of principle.

Given the above, the proposal 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), Policy 13 of the adopted Core Strategy (2009), Chapters 11, 12 and 15 of the National Planning Policy Framework (2024), including Key Policy Paragraphs 129 and 135, and the National Design Guide (2019).

This significant and permanent harm would significantly and demonstrably outweigh the potential benefits of the scheme when assessed against the Framework as a whole. In accordance with Paragraphs 11(d) and 139 of the National Planning Policy Framework, the development is refused.

2. The development would be in an unsustainable location that fails to promote sustainable transport, the best use of public transport, nor provide any safe walking and cycling access to services and facilities.

The future occupants of the scheme would therefore be highly likely to be dependent on private motorised transport to meet their day-to-day needs, and this would result in significant environmental harm.

This is contrary to, and in conflict with, Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), HDM Policy 1 of the Leicestershire Highway Design Guide (2024), as well as Paragraphs 89 and 161, Key Policy Paragraph 115, Chapter 9, and the overarching ambitions of sustainable development defined at Paragraph 8 of the National Planning Policy Framework (2024).

The refusal explicitly concludes that harms "significantly and demonstrably outweigh" benefits under NPPF paragraph 11(d) and cites (among other things) NPPF paragraphs 129, 135, 139 and 115 (as "key" policies), plus the National Design Guide and transport policy.

The site however is not "isolated" and can reasonably be argued to be physically well-related to the existing settlement and capable of supporting rural vitality, consistent with the NPPF's rural chapters.

There have been numerous recent Hinckley appeal decisions where Inspectors

- (i) accepted conflict with countryside policies,
- (ii) applied paragraph 11(d) because the Council could not demonstrate a deliverable supply, and
- (ii) nevertheless found harms limited/localised/moderate, insufficient to outweigh housing and related benefits.

This Statement of Case explains why those conclusions are not justified on the evidence and why the appeal should be allowed. The appeal site sits immediately adjacent to the existing village and is physically well related to it. We explain and demonstrate why the refusal adopts too rigid a view of sustainability for a village-edge site of this kind. Market Bosworth lies a short distance away, with a broad range of services and facilities accessible by walking, cycling and public transport options, including the FoxConnect demand responsive transport service which expressly serves Carlton.

The Appellant considers that the appeal is well suited to determination by way of an informal hearing. The principal issues are limited in number and turn on matters of planning judgment, including the extent of landscape and countryside harm, the treatment of accessibility in a rural context, and the proper approach to Permission in Principle. Those matters would benefit from focused discussion led by the Inspector, without requiring the degree of formality associated with an inquiry.

In summary, the proposal amounts to a modest and proportionate village edge development, capable of being designed and landscaped appropriately at Technical Details Consent stage, and offering identifiable social, environmental and economic benefits. For those reasons, the appeal should be allowed and Permission in Principle granted.

2.0 Application Process

The application was submitted as a Permission in Principle proposal for the erection of 9 dwellings.

Prior to the submission of the application, the Appellant engaged with the Council through the pre-application process. The written pre-application response accepted that the decision would fall to be taken in the context of paragraph 11(d) of the NPPF, but expressed concern over landscape effects, countryside policy conflict and sustainability of location. The application sought to address those matters through the supporting statement and the overall structure of the proposal.

The Council refused the application on 18 February 2026. This appeal follows directly from that refusal and is made under section 78 of the Town and Country Planning Act 1990.

The following documents were provided during the initial submission of the application, and were all submitted on the 24/11/2025 (Appendix A):

- Planning and Design and Access Statement
- Covering letter to application
- Site location plan
- Existing site plan
- Existing block plan
- Proposed site plan
- Proposed block plan

On 3rd December 2025 the application form was submitted (Appendix B)

This appeal concerns an application for Permission in Principle. That is an important procedural distinction. Permission in Principle is concerned only with the acceptability of the location, the type of development proposed and the amount of development. It is not the stage at which final matters of appearance, landscaping, detailed layout, drainage design or other technical components are fixed. Those matters fall to be addressed through any subsequent Technical Details Consent. The appeal should therefore be determined by asking whether there is anything about the site, the proposed residential use or the amount of up to 9 dwellings which makes the development unacceptable in principle, rather than by treating matters of later-stage detail.

3.0 Site and Surrounding

The Landscape and Visual Appraisal describes the site as a parcel of agricultural land adjacent to the northern settlement boundary of Carlton, forming part of a larger field. It confirms that the site fronts Barton Road and is bounded to the east by a mature managed hedge, with adjoining residential development immediately to the south at No. 21 Barton Road and residential development opposite at Northfields on the eastern side of the road.

That context is important. The LVA explains that the northern edge of Carlton is not experienced as a simple or unbroken historic ribbon. Rather, this part of Barton Road already displays a varied

settlement-edge pattern, including modern infill, larger plots and courtyard-style forms. The site is therefore read in direct association with adjoining development and as part of a transitional village-edge condition, rather than as a detached or remote tract of countryside.

The site is also not isolated in visual terms. The landscape figures and appraisal demonstrate that the most direct public views arise from Barton Road close to the site, while visibility from Nailstone Road is screened by vegetation and views from the wider public rights of way network are generally more distant, broader and frequently filtered by hedgerows and trees.

4.0 Relevant Planning History

- 10/00677/FUL - creation of a new access from Barton Road. This is important to the appeal because it establishes the site's existing access point and provides a practical baseline for future Technical Details Consent.
- 24/10127/PREHMO - pre-application advice relating to the current proposal. The response identified concerns about countryside policy conflict, landscape impact and sustainability, but it also implicitly recognised that the decision would require application of the paragraph 11(d) tilted balance.
- 25/01130/PIP - the appeal application, refused on 18 February 2026

The wider site context has also featured in the Council's SHELAA evidence base. In particular, the Carlton overview material identifies site reference LPR163B, confirming that land in this location has previously been considered through the Council's plan-making evidence process as a potential development site. That does not amount to an allocation, nor does it determine the present appeal, but it is material context and tends to show that the land is not of a kind that has sat wholly outside the Council's contemplation for future development.

5.0 Planning Policy

The development plan for the purposes of this appeal includes the Hinckley and Bosworth Core Strategy (2009) and the Site Allocations and Development Management Policies Development Plan Document (2016). The principal policies relevant to this appeal are listed below.

- Core Strategy Policy 13 - Rural Hamlets
- Core Strategy Policy 19 - Green Space and Play Provision
- SADMP Policy DM1 - Presumption in Favour of Sustainable Development
- SADMP Policy DM4 - Safeguarding the Countryside and Settlement Separation
- SADMP Policy DM6 - Enhancement of Biodiversity and Geological Interest
- SADMP Policy DM7 - Preventing Pollution and Flooding
- SADMP Policy DM10 - Development and Design
- SADMP Policy DM17 - Highways and Transportation
- SADMP Policy DM18 - Vehicle Parking Standards

National policy is contained in the National Planning Policy Framework (December 2024) and associated Planning Practice Guidance. Particularly relevant to this appeal are:

- Paragraph 8 - the economic, social and environmental objectives of sustainable development.
- Paragraph 11(d) - the presumption in favour of sustainable development where policies most important for determining the application are out of date.
- Paragraph 83 - support for growth which enhances or maintains the vitality of rural communities.
- Paragraph 89 - recognition that in rural areas sites may be found adjacent to or beyond settlements and not be well served by public transport, provided the development is sensitive and exploits opportunities to improve accessibility.
- Paragraph 115 - refusal on transport grounds only where the impacts are severe or the access is not safe and suitable.
- Paragraphs 129, 135 and 139 - the key policies relating to design in the context of paragraph 11(d).

The Planning Practice Guidance on Permission in Principle is also relevant. It makes clear that a PIP determines only the location, type and amount of development. Technical Details Consent is the stage at which detailed design, layout, landscaping, drainage and other site specific matters are assessed. That distinction is of central importance to the present appeal.

6.0 Grounds for Appeal

6.1 Conflict with Policy 13 of the Core Strategy 2009

For ease of reference this policy has been copied below:

Policy 13: Rural Hamlets In the Rural Hamlets, the council will:

Support housing development within settlement boundaries that provides for a mix of housing types and tenures as detailed in Policy 15 and Policy 16

Support development that complies with the Policy 17: Local Needs

Support development enabling home working and other small scale employment uses within settlement boundaries

Resist the loss of local shops and facilities in rural hamlets unless it is demonstrated that the business or facilities can no longer operate in a viable manner. Initiatives to establish local stores and facilities will be supported

Deliver the strategic green infrastructure network detailed in Policy 20. To achieve this, strategic interventions involving Shackerstone, Gopsall Park Multifunctional Route, River Sence Corridor Management and the Shackerstone to Ibstock Multifunctional Corridor will be implemented

Support proposals that contribute to the delivery of the National Forest Strategy in line with Policy 21

Support proposals that contribute to the delivery of the Charnwood Forest Regional Park in line with Policy 22

Require transport improvements in line with Policy 14

Support the development of the tourism industry in line with Policy 23

Require new development to respect the character and appearance of the relevant Conservation Area by incorporating locally distinctive features of the conservation area into the development

Require development to be of the highest environmental standards in line with Policy 24

The Council relies on Policy 13 on the basis that Carlton is identified as a Rural Hamlet and that open market housing outside the settlement boundary is not generally supported. That policy conflict is understood and accepted. However, it is not determinative in the circumstances of this case.

First, the site is immediately adjacent to the settlement and is not physically or functionally isolated from it. The LVA makes clear that the site is experienced in direct association with adjoining residential development at No. 21 Barton Road and Northfields, and that the northern edge of Carlton already displays a varied and modified village-edge character. This is not a case of sporadic housing in a detached countryside location. It is a modest village-edge extension adjoining existing built form.

Further material context is provided by planning permission 12/00889/FUL for an affordable housing scheme of 11 dwellings on land opposite the appeal site, east of Barton Road. Whilst that scheme was approved under a different policy basis as a rural exception development, it is nevertheless relevant to the present appeal because it forms part of the immediate built context and influences the way in which the northern edge of Carlton is now experienced. It reinforces the point that this part of Barton Road is not perceived as an isolated or wholly undeveloped countryside frontage, but as a settled and varied village-edge location

Secondly, Policy 13 falls to be considered in the context of paragraph 11(d) of the Framework, which the Council itself accepted to be engaged. Restrictive policies which constrain housing delivery cannot simply be applied at full weight without regard to that national policy context.

Thirdly, national policy recognises the need to support the vitality of rural communities and accepts that opportunities to maximise sustainable transport will vary between urban and rural areas. The question is therefore not whether the site is within a formal policy boundary, but whether the actual harms flowing from the proposal are such as to justify refusal under the tilted balance. On the evidence before the Inspector, they are not.

Accordingly, whilst there is technical conflict with Policy 13, the weight to be attached to that conflict is materially reduced. The appeal turns instead on the real extent of the landscape, design and accessibility harms alleged by the Council.

6.2 Conflict with Policy DM4 of the Site Allocations and Development Management Policies DPD (2016).

Policy DM4 - Safeguarding the Countryside and Settlement Separation

The countryside will be safeguarded from unsustainable development.

Development in the countryside will be permitted only where it is not of a type listed as inappropriate, does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements, and does not create or exacerbate ribbon development.

The Council's first reason for refusal is principally framed around Policy DM4, asserting that the scheme would represent uncontained urbanisation and would cause significant and permanent harm to the intrinsic character and landscape quality of the countryside. That conclusion is not supported by the Appellant's landscape evidence.

The LVA identifies the site as forming part of a transitional village-edge condition rather than a remote or detached parcel of countryside. It records that the site, whilst open, is read in direct association with adjoining development and that the northern edge of Carlton is already more varied in form and grain than the tighter historic core of the village. On that basis, the proposal would be experienced as an extension to the existing settlement edge, not as an isolated incursion into the wider landscape.

The same report carefully addresses the Barton Village Farmlands Landscape Character Area. It summarises the Borough's own evidence as describing the area as one of mixed arable and pasture farmland, mature hedgerows, trees, medium-sized fields and villages integrated into the landscape. It notes the strategy of respecting village character, maintaining rural views and conserving hedgerow networks, but does not suggest a landscape in which any edge-of-settlement change is necessarily unacceptable.

Importantly, the LVA concludes that while the proposal would lead to a clear and permanent change at the site itself and a moderate adverse effect at the immediate settlement edge, the effect on the wider Barton Village Farmlands landscape character area would be low in magnitude and minor adverse overall. It expressly states that the proposal would not materially alter the key defining characteristics of that wider character area and would not amount to uncontained development extending into the open countryside in a manner irreconcilable with the character of the landscape.

That is a materially different position from the refusal notice. The site plainly contributes to the wider countryside in the way any undesignated village-edge agricultural parcel does, but the LVA correctly explains that its contribution is representative rather than exceptional or irreplaceable. The loss of this parcel to residential development would not materially diminish the wider character area's ability to express its defining characteristics.

The separation between settlements would also remain intact. The development would not perceptibly reduce the gap between Carlton and Barton in the Beans or any other nearby settlement, and it would not create or exacerbate ribbon development.

In those circumstances, there remains a countryside policy conflict in principle, but the landscape harm has been materially overstated by the Council. Properly characterised, it is localised rather than significant and area-wide, and does not justify the substantial weight attributed to it in the refusal notice.

The Council's reason for refusal relies on describing the harm as "significant and permanent". That is not a fair reflection of the evidence. The Landscape and Visual Appraisal does not identify significant or widespread harm, but rather a localised change at the site and immediate settlement edge, with only minor adverse effects on the wider character area. That distinction is critical. The Framework requires an assessment of the scale and extent of harm, not simply its existence. In this case, the harm is limited in extent and does not justify the substantial weight attributed to it by the Council.

It is also relevant that the site's contribution to the countryside is not of a rare, designated or especially sensitive kind. The evidence indicates that it is representative of the wider rural edge rather than exceptional within it. That does not mean the loss of the site is neutral, but it does mean that the Council's characterisation of the proposal as causing significant and permanent harm to the wider countryside overstates the position. Properly assessed, the appeal proposal would change the site itself and the immediate edge of the village, but it would not undermine the defining characteristics of the wider landscape character area.

6.3 Conflict with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016), Chapter 12 of the NPPF and the National Design Guide

Policy DM10 - Development and Design

Development will be required to complement or enhance the character of the surrounding area and provide a high standard of amenity.

Development should create places that are attractive, safe, and appropriate to their context.

The Council states that the proposal would not be well designed as a matter of principle and would fail to reflect local design policies and government guidance on design, including the National Design Guide. That conclusion cannot reasonably be sustained in the context of a Permission in Principle appeal.

The National Design Guide is planning practice guidance for the creation of beautiful, enduring and successful places and is expressly tied to the design objectives of the Framework, particularly Chapter 12. It emphasises that well-designed places should be based on a sound understanding of the site and its surroundings, should relate well to local context, landscape character, views, movement and existing built form, and should respond positively to local identity and built form rather than ignore them. The most relevant characteristics in the present case are therefore Context, Identity, Built Form and Movement.

However, the National Design Guide does not require every element of detailed design to be fixed at the point when the principle of development is being considered. It recognises that the level of contextual analysis should be proportionate to the nature, scale and sensitivity of the proposal, and that design evolution is typically explained through the Design and Access Statement process. In a Permission in Principle case, the question is not whether all aspects of final layout, appearance and landscaping have already been demonstrated, but whether the site is capable of accommodating development that responds appropriately to its context.

The evidence demonstrates that it is. The Landscape and Visual Appraisal explains that the site forms part of a transitional village-edge condition on the northern side of Carlton and is read in direct association with adjoining built form at No. 21 Barton Road and Northfields, rather than as a detached or remote tract of open countryside. It also records that this part of the village edge is already varied and modified in character, rather than forming an intact and especially sensitive historic frontage.

The same assessment concludes that, whilst the proposal would introduce a clear and permanent change at the site itself and in close Barton Road views, the effect on the wider Barton Village Farmlands landscape character area would be only minor adverse, and that the proposal would not result in uncontained development extending into the open countryside in a manner irreconcilable with the character of the wider landscape. That is highly material when considering whether the proposal genuinely fails the National Design Guide's emphasis on context, identity and appropriate built form.

There is therefore no sound basis for concluding that the proposal is inherently incapable of complying with Policy DM10, Chapter 12 of the Framework or the National Design Guide. The Council's design objection attributes excessive weight to matters that are, by their nature, for later consideration at Technical Details Consent stage.

6.4 Conflict with Policy DM17 and sustainability of location

Policy DM17 - Highways and Transportation

Development should demonstrate safe and suitable access and should not result in unacceptable impacts on highway safety or network operation.

The second refusal reason asserts that the site is in an unsustainable location, fails to promote sustainable transport, and does not provide safe walking and cycling access to services and facilities. That reason is also overstated.

Carlton is plainly a rural settlement and it is accepted that future residents would, for some journeys, rely on the private car. However, that is a characteristic of many rural locations and is expressly recognised by national policy. The National Planning Policy Framework does not require rural sites to perform as urban locations. Paragraph 89 acknowledges that opportunities to maximise sustainable transport solutions in rural areas will be inherently more limited, and this must be taken into account in decision making.

The correct test is therefore not whether the site achieves urban levels of accessibility, but whether it is so poorly located that the transport impacts would be severe or unacceptable in principle. There is no evidence before the Inspector to support such a conclusion.

The site is not isolated. It lies immediately adjacent to the existing built form of Carlton, benefits from a footway along Barton Road, and sits in close relationship to Market Bosworth, a higher-order settlement providing a broad range of day-to-day services and facilities. A bus stop within the village provides connections to nearby settlements including Market Bosworth, Atherstone and Measham. In addition, Carlton is expressly served by the Leicestershire FoxConnect demand responsive transport service, which operates Monday to Saturday between 06:00 and 19:30 and provides a further flexible public transport option.

The village also contains local facilities, including The Gate Hangs Well, which describes itself as a pub, café, shop and restaurant in Carlton. These are not urban-level services, but they are plainly material to the question of whether the site is genuinely inaccessible or socially isolated.

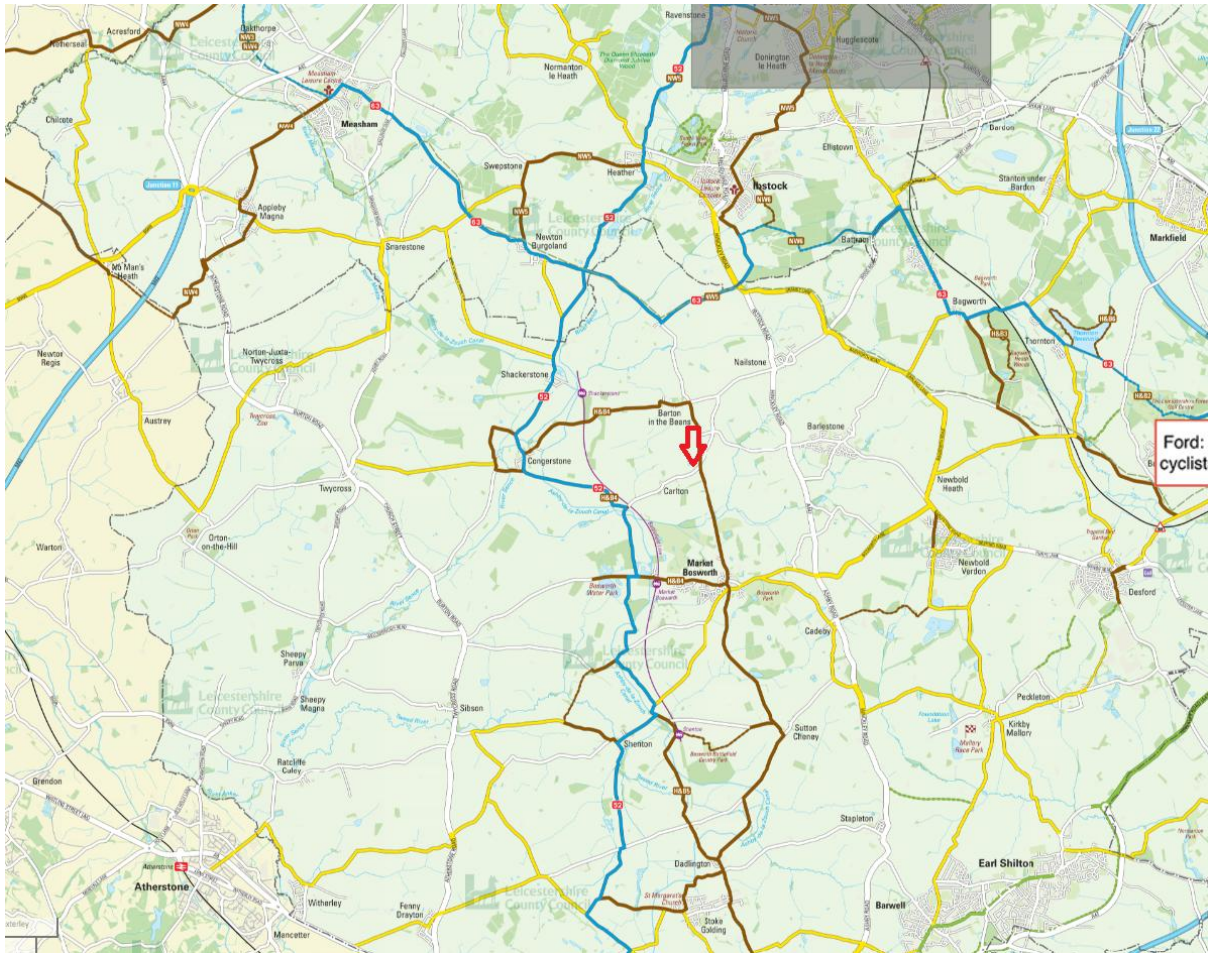


Figure One: Extract from Leicestershire County Council Active Map showing wider National Cycle Route Network

The Council's assessment also fails to give proper weight to short-distance connectivity and the actual range of non-car travel choices available. Market Bosworth lies approximately 1.5–2 miles from the site and is therefore comfortably within a realistic cycling distance, including by e-bike. In the context of a rural-edge site, the presence of the FoxConnect demand responsive transport service in Carlton is also material. It does not place the site on a par with an urban location, but it does materially strengthen the range of public transport options available to future occupiers.

The application site has direct access onto Barton Road which forms part of route H&B4, connecting southwards towards Market Bosworth and northwards towards Barton in the Beans, with onward connection to National Cycle Route 52 and wider links towards Hinckley, Measham, Ibstock and Coalville.

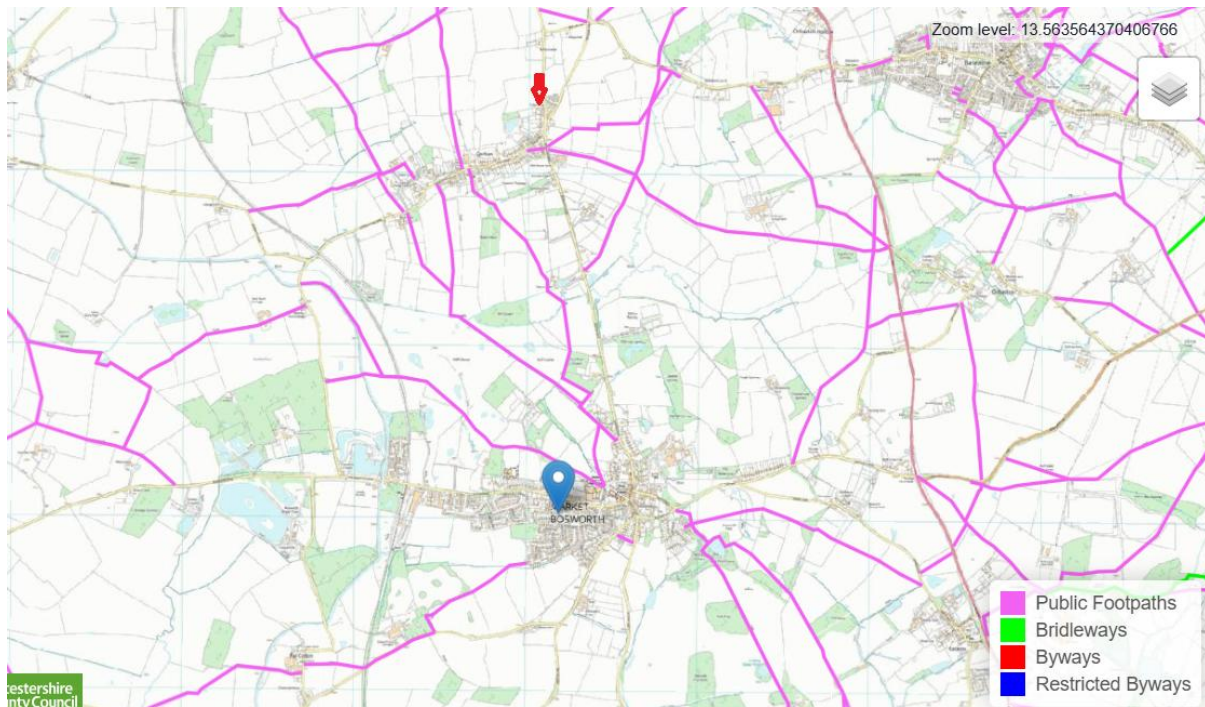


Figure Two : Extract from Leicestershire Rights of Way map, application site highlighted with red marker

The rights of way network in the area further supports non-car movement, providing additional pedestrian connections within the wider rural landscape. Particular reference is made to Footpath S69, which links Carlton and Market Bosworth and provides an attractive off-road route between the village and nearby services.

When these factors are considered in the round — village footway provision, the conventional bus service, the FoxConnect demand responsive transport service, realistic cycling opportunities and the rights of way network — the refusal's sustainability conclusion becomes too absolute to sustain.

This approach is consistent with recent appeal decisions within the Borough. In the Ratby appeal (APP/K2420/W/23/3330774), the Inspector accepted that walking distances and route quality were not ideal, but nevertheless concluded that those shortcomings did not seriously undermine accessibility, and that occupiers would have access to services and facilities by a range of travel modes other than the private motor car. That reasoning is directly applicable here.

In highway terms, there is no suggestion that safe and suitable access cannot be achieved. The site benefits from an existing gateway approved in 2010. The traffic generated by 9 dwellings would be modest in absolute terms and would fall well below the threshold of "severe" impact required by paragraph 115 of the Framework to justify refusal.

For those reasons, the second refusal reason is not supported by the evidence and should attract limited weight.

6.5 Conflict with HDM Policy 1 of the Leicestershire Highway Design Guide (2024)

Policy 1 - Sustainable access for all

2.7 Development must be accessible for all highway users and maximise the uptake of sustainable travel choices.

For similar reasons, the proposal does not conflict with the broad objectives of HDM Policy 1. The site is not inaccessible; rather, it is a rural-edge location with a realistic range of travel choices proportionate to its context, including walking, cycling, conventional bus access and the FoxConnect demand responsive transport service operating in Carlton.

The appeal site lies within convenient reach of public transport options within Carlton. Those include the conventional bus service and the FoxConnect demand responsive transport service, both of which provide access to surrounding settlements including Market Bosworth.

In addition, the route between the site and Market Bosworth is short, direct and realistically cycleable. The proximity of a higher-order settlement within approximately 1.5–2 miles is an important material consideration and provides a genuine opportunity for non-car journeys.

Pedestrian movement within the village is facilitated by the existing footway network along Barton Road, and the wider rights of way network provides additional connectivity into the surrounding area.

Taken together, the site cannot reasonably be described as inaccessible. Rather, it represents a typical rural-edge location with a range of travel options proportionate to its context.

The proposal therefore accords with the broad objectives of HDM Policy 1 in providing opportunities for sustainable travel.

6.6 Conflict with Paragraph 8 of the National Planning Policy Framework (2024)

The Council's refusal also relies in broader terms on the sustainability objectives of the Framework. The relevant provision in that regard is paragraph 8, which identifies the three overarching objectives of sustainable development as economic, social and environmental. Those objectives are interdependent and are to be pursued in mutually supportive ways.

The appeal proposal cannot fairly be said to fail those objectives when assessed in the round. Economically, the proposal would make a modest but real contribution to housing delivery and would generate construction expenditure together with longer-term spending by future residents in Carlton and nearby centres. Socially, it would deliver up to 9 dwellings adjoining the existing village edge and would do so in a location that is not isolated from existing community life.

Environmentally, whilst there is accepted localised change to part of an agricultural field, the landscape evidence demonstrates that the wider Barton Village Farmlands character area would remain substantially intact, and that there is clear scope for boundary enhancement, planting and biodiversity gain.

The refusal notice therefore overstates the extent to which the proposal conflicts with the overarching sustainability objectives in paragraph 8. Properly assessed, the scheme gives rise to both adverse and beneficial effects, which must then be weighed through the tilted balance rather than treated as a simple failure of sustainability in principle.

6.7 Conflict with Chapters 9, 11, 12 and 15 of the National Planning Policy Framework (2024)

Chapter 9 of the Framework concerns the promotion of sustainable transport. In the present case, the most relevant point is that national policy does not require all rural development to perform like urban development. Rather, it expressly recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Paragraph 89 is particularly important, because it recognises that in rural areas sites may be found adjacent to or beyond settlements and may not be well served by public transport. Paragraph 115 likewise makes clear that refusal on transport grounds should be reserved for situations where the impacts would be severe or the access would not be safe and suitable.

Chapter 11 of the Framework is concerned with making effective use of land. The appeal proposal is modest in scale, confined to land immediately adjoining the existing village edge, and is not of a size or form that would distort the wider settlement pattern. It would introduce up to 9 dwellings in a contained village-edge location and would do so in a way that remains capable of detailed resolution through Technical Details Consent. The proposal therefore represents a proportionate use of land at the edge of an existing settlement, rather than an excessive or poorly related form of expansion.

Chapters 12 and 15 concern, respectively, the achievement of well-designed places and the conservation and enhancement of the natural environment. For the reasons already given under Policies DM10 and DM4, the evidence does not support the Council's broader contention that the proposal is inherently incapable of good design or that it would result in significant and permanent harm to the wider countryside. Properly characterised, the environmental and design effects are localised and limited in extent, and do not justify the substantial weight attributed to them in the refusal notice.

6.8 Permission in Principle and the proper scope of the decision

The appeal is made against refusal of Permission in Principle. That distinction matters. The Guidance confirms that a PIP can only determine the site location, the type of development and the amount of development. Conditions cannot be imposed on a PIP and the detailed technical matters are reserved for a later Technical Details Consent.

The Council's decision goes beyond what is appropriate at this stage. In particular, it reaches definitive conclusions on the eventual design quality of the scheme, on the exact visual consequences of development from named viewpoints, and on the supposed absence of safe and suitable walking and cycling arrangements, despite the fact that the detailed means by which those matters would be addressed properly fall to the next stage.

That is not to say such matters are irrelevant; they are not. The correct question, however, is whether there is anything about the location, land use or amount of development which makes the proposal unacceptable in principle. There is not. The scheme is of a size and nature that is plainly capable of being resolved satisfactorily through the Technical Details Consent process.

6.9 Housing land supply and the tilted balance

The Decision Notice itself applies paragraph 11(d) of the NPPF and states that the harms significantly and demonstrably outweigh the benefits. That is a clear indication that the Council accepted the

tilted balance as the correct decision making framework. That position is consistent with a number of recent decisions within the Borough in which Inspectors have treated the relevant countryside restraint policies as out of date in the context of the Council's housing land supply position.

The Council has published a five year housing land supply statement showing 5.26 years supply at 1 April 2024. However, later committee reporting and appeal material has referred to materially lower figures, including approximately 3.89 years as of mid 2025. The committee report of 30th Jan 2026 for Agenda Item 8 Planning Reference 25/00515/OUT stated:

'The Planning Policy Team are currently reviewing the latest revisions within the 2024 version of the NPPF and its implications for the Council's Five-Year Housing Land Supply (5YHLS). A revised position will be published once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), the Council will be unable to demonstrate a 5YHLS once the revised position is published.'

As part of the planning appeal APP/K2420/W/24/3357570 at the Oddfellows Arms, 25 Main Street, Higham on the Hill, the Council have provided an indicative housing land supply figure via an Interim 5YHLS Statement (2024 and 2025). When applying the standard method figure and the 5% buffer to the Council's requirement of land for housing, the Policy Team confirmed that, as of 29 July 2025, the Local Planning Authority (LPA) could demonstrate a 3.89-year supply of land for housing. Paragraph 3.5 of this Statement confirms that these figures are indicative, and the supply figures are expected to decrease slightly as the monitoring exercise is further progressed. '

Once paragraph 11(d) is engaged, the relevant countryside policies do not cease to apply, but the weight to be afforded to them is reduced. Recent appeal decisions within Hinckley and Bosworth are also instructive. In APP/K2420/W/24/3348387 (Land East of The Common, Barwell) and APP/K2420/W/23/3330774 (Land off Desford Lane, Ratby) Inspectors accepted conflict with countryside policies but treated the actual landscape and spatial harms as limited or localised in extent when applying paragraph 11(d). Those decisions do not remove the need to assess the present appeal on its own facts, but they do demonstrate a consistent recent approach within the Borough: technical countryside conflict is not determinative where the site specific harm is limited and the tilted balance is engaged.

In the Ratby appeal (APP/K2420/W/23/3330774), the Inspector accepted that walking distances and route quality were not ideal, but nevertheless concluded that those shortcomings did not seriously

undermine accessibility, and that occupiers would have access to services and facilities by a range of travel modes other than the private motor car, with higher order services also accessible by bus or bicycle. That reasoning is directly applicable in the present case, where the Council has adopted an overly rigid view of rural accessibility.

6.10 Public benefits and planning Balance under 11(d)

Paragraph 11(d) of the NPPF requires that where policies most important for determining the application are out-of-date, permission should be granted unless adverse impacts would significantly and demonstrably outweigh benefits.

Recent local appeal decisions demonstrate that, in practice, Inspectors have frequently attributed moderate or limited weight to countryside conflicts and have allowed development where the residual harms do not cross the "significant and demonstrable" threshold. That recent decision making context is a material consideration in the present appeal.

The proposal gives rise to a number of clear public benefits, all of which attract positive weight in the planning balance:

- **Housing delivery:** up to 9 dwellings in a Borough where housing delivery remains a material issue. Small sites are specifically encouraged in national policy as a flexible and important component of supply.
- **Biodiversity enhancement:** the site offers clear opportunity for native planting, habitat creation and long term management of a stronger green edge to the settlement, alongside the mandatory biodiversity net gain regime applicable at the detailed stage.
- **Economic benefit:** modest but real local economic activity would arise through construction and through additional expenditure by future residents within Carlton, Market Bosworth and nearby service centres.
- **Support for rural vitality:** additional households help sustain existing village facilities and contribute to the continuing vitality of Carlton as a rural community. In that regard, The Gate Hangs Well & Seasons describes itself as a pub, café, shop and restaurant in Carlton, illustrating that the village does contain local services capable of benefiting from additional patronage.

Against those benefits, the Council identifies two principal harms: countryside/landscape harm and unsustainability of location. Properly characterised, the first is limited and localised rather than significant and permanent, while the second is overstated and fails to reflect the actual travel options available, including conventional bus services, walking and cycling links, and the FoxConnect demand responsive transport service operating in Carlton. Those adverse effects do not significantly and demonstrably outweigh the benefits.

7.0 Conclusion

There is conflict with Core Strategy Policy 13 and with SADMP Policies DM4 and DM17 because the proposal is for market housing outside the settlement boundary and is therefore contrary in principle to the adopted spatial strategy and countryside restraint policies. That conflict is accepted and is a harm.

However, several matters materially reduce the weight to be attached to that harm.

First, the landscape evidence does not support the Council's suggestion of significant and permanent harm to the wider countryside. The LVA concludes that the proposal would give rise to localised moderate adverse effects at the site and immediate settlement edge, but only minor adverse effects on the wider Barton Village Farmlands character area, and that it would not amount to uncontained development irreconcilable with the character of the wider landscape.

Secondly, the design objection is overstated in the context of a Permission in Principle appeal. There is no evidence that the site is incapable of accommodating a sensitive and well-designed village-edge scheme at Technical Details Consent stage.

Thirdly, the accessibility objection is also overstated. This is not a remote or disconnected site. It adjoins the village, fronts an existing road with footway provision, is served by a bus route from Carlton, lies within a landscape served by public rights of way, and benefits from an established vehicular access. Future occupiers would make some use of the private car, as is inevitable in many rural locations, but the evidence does not justify the stronger conclusion that the site is inaccessible or socially isolated.

The appeal therefore turns not on whether there is any policy conflict or any harm, because there plainly is, but on whether those harms have been materially overstated and whether, once properly characterised, they are sufficient to significantly and demonstrably outweigh the proposal's public benefits. On the evidence before the Inspector, they are not.

Set against those harms are the benefits of delivering up to 9 dwellings, together with associated economic and environmental gains. The Council's own refusal notice confirms that paragraph 11(d) is engaged. Once the harms are properly characterised, they do not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

For those reasons, and having regard to the development plan and all other material considerations, it is respectfully submitted that the appeal should be allowed and Permission in Principle granted.

8.0 Core Documents List

- Appendix A

Application documents submitted with the application, including the

Planning, Design and Access Statement

Site location plan

Site Plan as Existing

Block Plan as Existing

Block Plan as Proposed

Site Plan as Proposed

- Appendix B

Application form

- Appendix C

Pre-application response

- Appendix D

Decision Notice dated 18th February 2026

- Appendix E

Relevant appeal decisions and housing land supply material, including:

APP/K2420/W/24/3348387 - Land East of The Common, Barwell.

APP/K2420/W/23/3330774 - Land off Desford Lane, Ratby.

APP/K2420/W/23/3316829 - Land to south west of Lutterworth Road, Burbage.

Hinckley and Bosworth Five Year Housing Land Supply Statement and later committee reporting on supply position.

- Appendix F

Landscape Character Assessment and Appraisal.

- Appendix G

Aerial view plan and development line