

# Public Document Pack



Hinckley & Bosworth  
Borough Council

**Bill Cullen** MBA (ISM), BA(Hons) MRTPI  
*Chief Executive*

**Date: 02 February 2026**

**To: Members of the Planning Committee**

Cllr MJ Crooks (Chair)	Cllr C Gibbens
Cllr J Moore (Vice-Chair)	Cllr SM Gibbens
Cllr CM Allen	Cllr CE Green
Cllr RG Allen	Cllr KWP Lynch
Cllr SL Bray	Cllr LJ Mullaney
Cllr MA Cook	Cllr H Smith
Cllr DS Cope	Cllr BR Walker
Cllr REH Flemming	Cllr R Webber-Jones
	(1 vacancy)

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite, Hinckley Hub on **TUESDAY, 10 FEBRUARY 2026 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen  
Democratic Services Manager

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Thank you

**PLANNING COMMITTEE - 10 FEBRUARY 2026**  
**A G E N D A**

**1. APOLOGIES AND SUBSTITUTIONS**

**2. MINUTES (Pages 1 - 4)**

To confirm the minutes of the meeting held on 13 January.

**3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES**

To be advised of any additional items of business which the Chair decides by reason of special circumstances shall be taken as matters of urgency at this meeting. Items to be taken at the end of the agenda.

**4. DECLARATIONS OF INTEREST**

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

**5. QUESTIONS**

To hear any questions in accordance with Council Procedure Rule 12.

**6. DECISIONS DELEGATED AT PREVIOUS MEETING**

To report progress on any decisions delegated at the previous meeting.

**7. 25/01159/HOU - 66 LEICESTER ROAD, HINCKLEY (Pages 5 - 14)**

Application for two storey rear extension above existing single storey extension, loft conversion, new front wall with electric gates, erection of an outbuilding and internal alterations (revised scheme of 25/00510/HOU).

**8. 25/00700/FUL - 215 LEICESTER ROAD, FIELD HEAD (Pages 15 - 26)**

Application for works to include resurfacing and the installation of lighting columns to the existing access track from Leicester Road to the adjacent land (which is subject to a planning application for residential development under Charnwood Borough Council reference P/22/1031/2) for the use of pedestrians and cyclists, with retained vehicular access for the existing residential property (removal of CCTV from description).

**9. 23/00982/OUT - LAND TO THE REAR OF THE COTTAGE, 34 KEATS LANE, EARL SHILTON (Pages 27 - 44)**

Outline application for residential development of up to ten dwellings (some matters reserved except for scale and access).

**10. APPEALS PROGRESS (Pages 45 - 48)**

To report on progress relating to various appeals.

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## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### PLANNING COMMITTEE

13 JANUARY 2026 AT 6.30 PM

PRESENT: Cllr MJ Crooks - Chair  
Cllr J Moore – Vice-Chair  
Cllr RG Allen, Cllr MC Bools (for Cllr SL Bray), Cllr MA Cook, Cllr REH Flemming,  
Cllr C Gibbens, Cllr SM Gibbens, Cllr CE Green, Cllr KWP Lynch,  
Cllr LJ Mullaney, Cllr M Simmons (for Cllr CM Allen), Cllr H Smith, Cllr BR Walker  
and Cllr R Webber-Jones

Also in attendance: Councillor BE Sutton

Officers in attendance: Sullivan Archer, Emma Baumber, Chris Brown, Ashleigh Gade, Rebecca Owen, Edward Stacey and Rebecca Valentine-Wilkinson

#### 300. **Apologies and substitutions**

Apologies for absence were submitted on behalf of Councillors C Allen and Bray, with the following substitutions authorised in accordance with council procedure rule 10:

Councillor Bools for Councillor Bray  
Councillor Simmons for Councillor Allen.

#### 301. **Minutes**

It was moved by Councillor Flemming, seconded by Councillor Allen and

RESOLVED – the minutes of the meeting held on 2 December 2025  
be confirmed as a correct record.

#### 302. **Declarations of interest**

In relation to application 25/00515/OUT, Councillor Crooks stated she was a member of Newbold Verdon Parish Council but was not a member of its Planning Committee and had not been involved in any discussions on the application. Councillor Bools stated he was also a member of the Parish Council and the neighbourhood planning group.

#### 303. **Decisions delegated at previous meeting**

Members were updated on progress in relation to decisions delegated at the previous meeting.

#### 304. **25/00347/FUL - The White Swan, 47 High Street, Stoke Golding**

Application for extension to existing public house, change of use of existing garden land to glamping use and associated works.

The agent spoke on this application.

Whilst in support of the officer's recommendation that permission be granted, it was requested that condition 9 be amended to prevent fireworks in addition to preventing bonfires. It was moved by Councillor Allen, seconded by Councillor Bools and unanimously

RESOLVED –

- (i) Permission be granted subject to:
  - a. The conditions outlined in the officer's report and late items;
  - b. An amended condition 9 to read:

“There shall be no bonfires or release of fireworks permitted on the site”.
- (ii) The Head of Planning be granted authority to determine the final detail of planning conditions.

**305. 25/00515/OUT - Land south of Bosworth Lane, Newbold Verdon**

Outline application for up to 200 dwellings, a shop (use class E(a)) of up to 108sqm gross external area and provision of up to 0.5 hectares of school playing fields and sport pitches, together with landscaping, open space, infrastructure and other associated works (all matters reserved except for access).

Councillor Webber-Jones entered the meeting at 6.50pm.

The agent spoke on this application.

Whilst in support of the application, it was requested that consideration be given to applying tree preservation orders to those trees outlined for retention. It was moved by Councillor Bools, seconded by Councillor Allen and

RESOLVED –

- (i) Permission be granted subject to:
  - a. The conditions outlined in the officer's report and late items;
  - b. The entering into of a S106 agreement;
- (ii) The Assistant Director Planning and Regeneration be granted authority to determine the final detail of planning conditions and obligations;
- (iii) A tree assessment be undertaken and consideration be given to applying tree preservation orders to trees to be retained.

306. **25/00902/FUL - Pinehollow Barn, Stoke Lane, Higham on the Hill**

Application for siting of four static caravans and two touring caravans for residential use and conversion of the existing barn into a day room.

The applicant and a representative of the parish council spoke on this application.

It was moved by Councillor Flemming, seconded by Councillor Allen and unanimously

RESOLVED –

- (i) Permission be granted subject to:
  - a. The conditions contained within the officer's report;
  - b. Confirmation from Leicestershire County Council's Ecology department that it is satisfied with the submitted details;
- (ii) The Assistant Director Planning and Regeneration be granted authority to determine the final detail of planning conditions.

307. **Appeals progress**

Members were updated on progress in relation to appeals.

(The Meeting closed at 7.32 pm)

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CHAIR

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Planning Committee 10 February 2026  
Report of the Assistant Director Planning and Regeneration

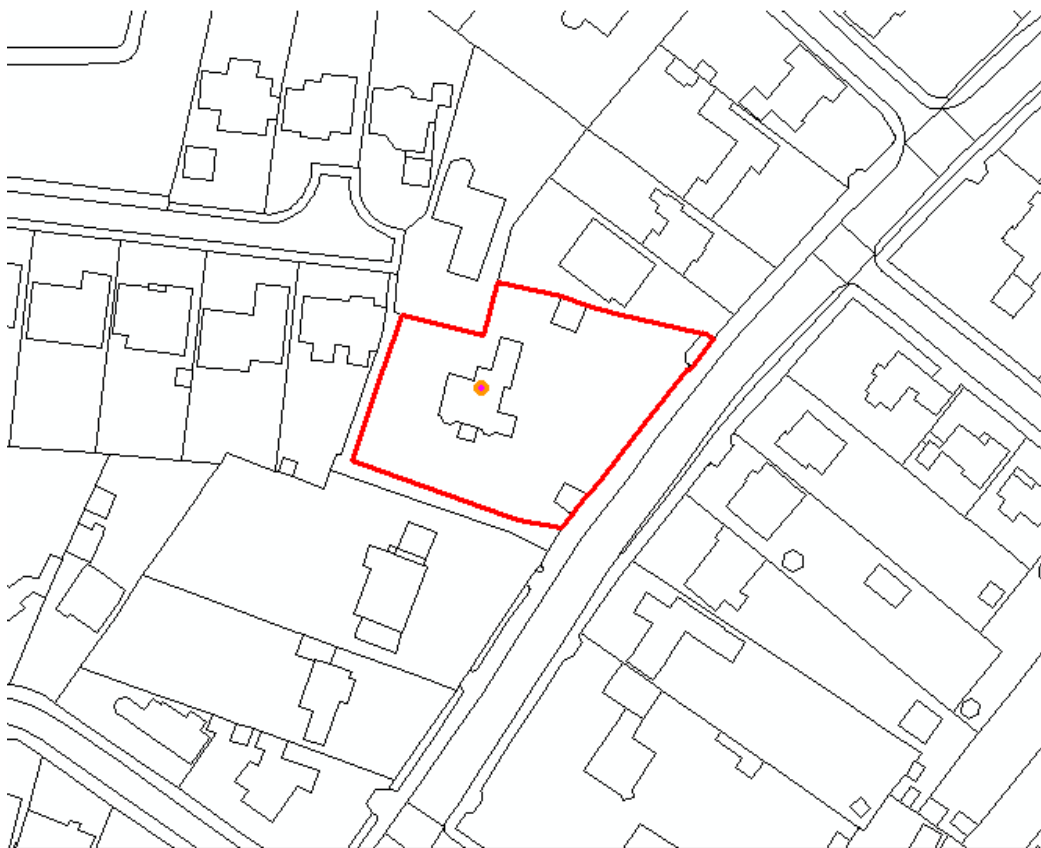
Planning Ref: 25/01159/HOU  
Applicant: Mr Mandeep Daphu  
Ward: Hinckley DeMontfort



Hinckley & Bosworth  
Borough Council

Site: 66 Leicester Road Hinckley Leicestershire

**Proposal:** Two storey rear extension above existing single storey extension, loft conversion, new front wall with electric gates, erection of an outbuilding and internal alterations (revised scheme of 25/00510/HOU).



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## 1. Recommendations

1.1. **Refuse planning permission** for the reasons outlined in the report below.

## 2. Planning Application Description

2.1. This householder application is a revised scheme of approved planning permission (25/00510/HOU) for a two-storey rear extension above an existing single storey

extension, loft conversion, new front wall with electric gate, erection of an outbuilding and internal alternations.

- 2.2. The proposals seek to re-orientate the frontage of the dwelling which currently faces south. The existing south/front elevation would become a side elevation with a new frontage created on the east elevation facing Leicester Road. Therefore, whilst the extension is described as a rear extension as this accurately reflects the current layout of the dwelling once completed it would appear as a side extension to the new front elevation.
- 2.3. The proposal includes a two storey rear extension on top of an existing single storey rear extension creating a three storey extension in total. This part of the extension is proposed to have a width of 8.6m and depth of 8.7m. The roof would be an asymmetric design with a ridge height of 9.86m and the eaves height would be 6.2m to the new front elevation and 8.2m to the new rear elevation. Part of the extension is two storey only (with accommodation in the roof), this element would have a ridge and eaves height matching the original dwelling of 10.4m and 5.9m respectively. A single storey mono-pitch extension is proposed to protrude to the rear. These latter elements would protrude no further than the existing side elevations.
- 2.4. A two-storey gable is proposed to the new front elevation to match the existing gable on the same elevation, with a single storey extension and porch creating an entrance way.
- 2.5. The existing dwelling has four bedrooms; the extensions and alterations would increase the number of bedrooms to seven.
- 2.6. The proposed materials would match the existing render with feature brickwork.
- 2.7. One outbuilding (to be used for storage) is also included as part of the application. This would be located on the western edge of the property, with dimensions of 7m x 3.60m, an eaves height of 2.25 metres and a ridge height of 3.59 metres.
- 2.8. Two new sections of 1.8m high wall and gates are proposed to each of the existing vehicular entrances to Leicester Road. The gate will be finished in black, while the wall will be constructed in facing brickwork and decorated with reconstituted stone coping.
- 2.9. It should be noted that these plans were submitted as part of discussions during application 25/00510/HOU but were considered unacceptable by the LPA. The applicant subsequently amended the former application to an acceptable degree. The applicant then submitted a revised application (25/00986/HOU) with identical plans to those proposed here despite officer advice, this previous revised scheme was refused on the grounds of design and its impact on the character of the area. This current application is identical to the previously refused application.

### **3. Description of the Site and the Surrounding Area**

- 3.1. 66 Leicester Road is a detached, two-storey, four-bedroom property constructed of red brick with white rendering. The house features an L-shaped layout, with a single storey protrusion to the north. The roof is fully hipped with the exception of two feature gables on the existing side elevation. The property features window and door openings on all elevations, all constructed in white uPVC.

- 3.2. The house occupies a large plot. As discussed above, the front elevation currently faces south as opposed to east onto Leicester Road from which there are two vehicular access points. There is a detached garage to the north of the dwelling with a parking area to the front. The properties gardens wrap around the entire dwelling.
- 3.3. The property is enclosed by wooden fencing, which serves as a boundary treatment separating it from the neighbouring properties. In addition there is substantial planting and mature trees on the site boundaries.
- 3.4. The surrounding area is characterised by a mix of two-storey and single-storey properties in varying design and forms. Overall, the street scene lacks any distinctive or unique architectural character but the prevailing scale is two storey dwellings.

#### **4. Relevant Planning History**

##### **25/00986/HOU**

- Two storey rear extension above existing single storey extension, loft conversion, new front wall with electric gates, outbuilding erection and internal alterations.
- Refused
- 18.11.2025

##### **25/00510/HOU**

- Two storey rear extension above existing single storey extension, loft conversion, new front wall with electric gates, outbuilding erection and internal alterations.
- Permitted
- 18.09.2025

##### **05/01326/FUL**

- Conversion of garage to granny annexe and erection of detached garage
- Permitted
- 07.02.2006

##### **74/00859/4**

- Erection of chalet bungalow
- Refused
- 26.11.1974

##### **74/01291/4**

- Erection of a two storey house
- Outline Approved

- 28.01.1975

## 5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 One objection has been received, raising concerns about the height of the proposed side extension and its resulting impacts on privacy and loss of light.

## 6. Consultation

- N/A

## 7. Policy

### 7.1 Core Strategy (2009):

- Policy 1: Development in Hinckley

### 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and transportation
- Policy DM18: Vehicle Parking Standards

### 7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

### 7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- National Design Guide (2024)
- Leicestershire Highway Design Guide (LHDG) (2024)

## 8. Appraisal

### 8.1. Extensions to existing domestic properties are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:

- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Design and Impact upon the Character of the Area

- 8.2 Policy DM10 requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.
- 8.3 Paragraph 135 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 8.4 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes.
- 8.5 According to the HBBC Good Design Guide, extensions should be subordinate to the main dwelling. For two-storey side extensions, this typically requires a reduction in ridge height and a setback from the front elevation. In this case, the proposed extension is set down by 1.11 metres from the highest ridge line of the property but it is not set back from the new front elevation. Despite this, the extensions when viewed from the front would appear sensitive to the character of the existing dwelling.
- 8.6 However, despite the subordinate ridge height, the overall roof form, eaves height and width of the new rear elevation of the extensions do not achieve subordination. The eaves height is higher than any currently present on the dwelling and the extension would be three storeys in comparison to the existing two storey dwelling with dominant hipped roof design. The extension appears visually dominant and its design disrupts the original layout and architectural rhythm of the main dwelling, creating an unacceptable and over dominant appearance to the rear. As a result, the proposal would not respect the character and appearance of the main dwelling and is therefore contrary to Policy DM10 of the SADMP.
- 8.7 Given the three-storey nature of the extension and the plot's prominent location, the unbalanced and discordant design would be highly visible from multiple spots along 'The Rills' to the rear despite the presence of hedges to the rear. Its design and incongruous form would significantly harm the character and appearance of both the host dwelling and the surrounding area. Furthermore, the presence of vegetation which screens part of the extension cannot be relied upon in perpetuity.
- 8.8 As a result, the proposed extensions would not respect the character of the existing dwelling with regards to scale and design, as a result the proposal would neither complement nor enhance the character of the site and surrounding area, therefore the proposal is contrary to Policy DM10 of the SADMP.
- 8.9 The proposed porch on the front elevation, relocated from the side, enhances the façade and contributes to a more symmetrical street appearance. Featuring a pitched

roof, two pillars, and a wooden door, the element of the design complements and elevates the overall design of the main dwelling in this elevation.

- 8.10 The proposals for the walls, gate and outbuilding have already been granted consent under application 25/00510/HOU. Walls and gates to the height proposed are not common features within the streetscene; however, due to the presence of planting, the use of matching materials, and the setback from the highway, they are not considered to have a significant impact on the design of the main dwelling or the surrounding area.
- 8.11 The proposed outbuilding, located in the southwest corner of the garden space, does not affect existing trees or planting. It features a pitched roof and white render to match the main dwelling, along with two windows and a door in a consistent style. Though not readily visible from public view, its design ensures no adverse impact on the character or appearance of the property or surrounding area.
- 8.12 In summary, the proposed extension fails to complement the design, form, rhythm, and scale of the existing dwelling, and its prominence within the streetscene is not considered to be in keeping with the design and character of the surrounding area. Therefore, the development is not in accordance with Policy DM10 of the SADMP, paragraph 135 of the NPPF (2024) and the aims of the Good Design Guide.

#### Impact upon Residential Amenity

- 8.13 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.14 The most affected neighbouring property is No. 11 The Rills, located to the northwest of the application site. In line with the HBBC Good Design Guide and in the principle of good neighbourliness, a minimum separation of 1 metre from the boundary—resulting in a total distance of at least 2 metres between properties—is encouraged. The proposed development maintains this separation.
- 8.15 The proposed extension would include habitable rooms windows at ground, first and second floor approximately 2m from the shared boundary with No.11 The Rills. This is not considered to present a neighbourly form of development as it will appear somewhat overdominant, would cause some loss of light and as the windows would overlook No.11 would cause some loss of privacy. Therefore, the revised development is considered to have an additional adverse impact on neighbouring residential amenities compared to the previously approved plan. However, the front outdoor space at No.11 does not appear to be utilised for primary/private amenity space and there are no habitable room windows on the closest south facing elevation of No.11 and therefore this harm is not considered to be unacceptable.
- 8.16 The neighbouring property at No. 68a Leicester Road is located to the north of the application site. Due to the separation distance of approximately 16 metres between

the proposed development and this property and its orientation, the development would not have any impact on the residential amenity of this neighbour.

- 8.17 The proposed outbuilding will be positioned in the southwest corner of the garden, maintaining a 1-metre distance from the timber boundary fence. As there are no neighbouring residential properties directly adjacent to this location (there is only a footpath which remains unaffected) the proposed outbuilding is not considered to have any adverse impact on neighbouring residential amenity to the dwelling to the south.
- 8.18 The proposed new window and door openings on the front elevation are not expected to have any adverse impact on neighbouring properties, due to a generous setback of approximately 12 metres from the Leicester Road boundary and adjacent dwellings.
- 8.19 By virtue of the factors outlined above, the development is judged to be in accordance with Policy DM10 of the SADMP and the principles set out in the Good Design Guide in terms of its impact on residential amenity.

#### Impact upon Parking Provision and Highway Safety

- 8.20 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.21 Policy DM18 of the SADMP also requires developments to demonstrate an adequate level of off-street parking provision.
- 8.22 According to the Leicestershire Highway Design Guide (LHDG), table (28) states that a minimum of three off street parking spaces are required for a seven-bedroom dwelling. The existing property includes a single garage, which will be retained, and parking spaces which can comfortably accommodate more than three parking spaces. Therefore, the proposed development is not considered to result in any harm or adverse impact on parking provision or highway safety.
- 8.23 To conclude, the proposal does not create any adverse impact on highway safety or the road network. Therefore, the scheme is in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

## **9. Equality Implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## 10. Conclusion

10.1 The proposal relates the householder application which is a revised scheme of approved planning permission (25/00510/HOU) for a two storey rear extension above existing single storey extension, loft conversion, new front wall with electric gate, erection of an outbuilding and internal alternations.

10.2 Whilst the proposal is considered to be acceptable in terms of its impact on residential amenity and the surrounding highway network, by virtue of its scale and design, the proposed extension would have an appearance that is incongruous with the architectural rhythm of the existing dwelling and would create an extension which is over dominant and inconsistent with the character and appearance of the main dwelling and surrounding area. Therefore, it is considered to be contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), the Hinckley and Bosworth Good Design Guide (2020) and National Planning Policy Framework (2024).

## 11. Recommendation

11.1 **Refuse planning permission** for the following reason

1. By virtue of its scale and design, the proposed extension would have an appearance that is incongruous with the architectural rhythm of the existing dwelling and would also appear over dominant in scale. The proposed design would also fail to complement or enhance the surrounding area with regard to its scale, mass and

design. The proposal is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), the Hinckley and Bosworth Good Design Guide (2020) and National Planning Policy Framework (2024).

**12. Notes to applicant**

This application has been determined with assessment of the submitted Application Form, Proposed Floor Plans & Elevations Dwg No.167-02 E, Location & Block Plan Dwg No.167-03 B, and Gate & Wall Design Plan Dwg No.167-04 as received by the Local Planning Authority on the 10<sup>th</sup> October 2025.

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Planning Committee 10 February 2026  
Report of the Assistant Director Planning and Regeneration

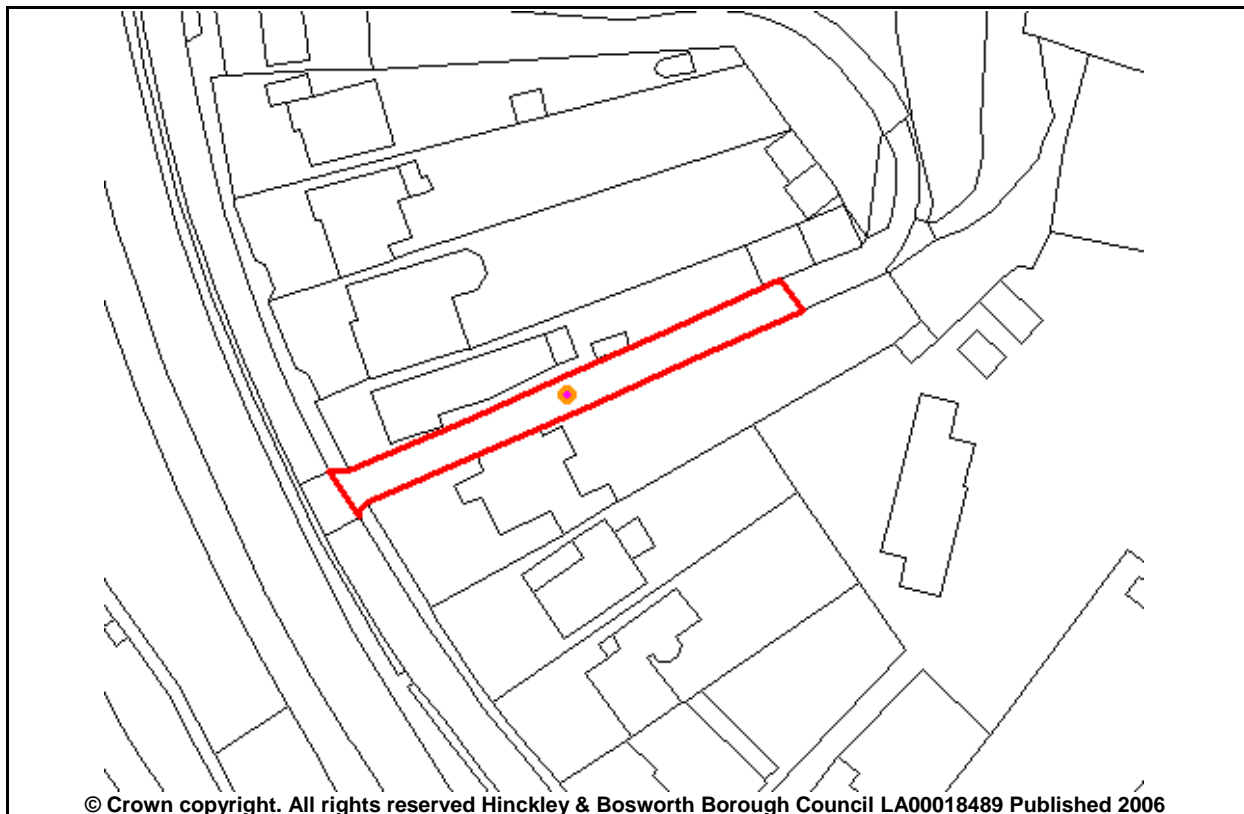
Planning Ref: 25/00700/FUL  
Applicant: Davidson Developments Limited  
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth  
Borough Council

Site: 215 Leicester Road Field Head Markfield

**Proposal:** Full planning application for works to include, resurfacing and the installation of lighting columns to the existing access track from Leicester Road to the adjacent land (which is subject to a planning application for residential development under CBC reference: P/22/1031/2) for the use of pedestrians and cyclists, with retained vehicular access for the existing residential property (removal of CCTV from description)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

### 1.2. That the Assistant Director Planning and Regeneration be given powers to determine the final detail of planning conditions.

## 2. Planning application description

- 2.1. This application relates to a larger major development in Charnwood Borough (P/22/1031/2) which is an outline planning application for the demolition of 287 Markfield Lane, and the development of up to 115 dwellings, together with open space and drainage infrastructure (All Matters Reserved except Access). This application was approved at CBC Plans Committee on 13<sup>th</sup> November 2025.
- 2.2. The application is cross boundary with Charnwood Borough Council (CBC) for the proposed upgrade of the full length of the pathway. HBBC will determine only the area within the red line which falls within its jurisdiction. A corresponding application for the section of pathway within CBCs jurisdiction (P/25/1333/2) was approved at the CBC Plans Committee on 13<sup>th</sup> November 2025.
- 2.3. The application proposes to upgrade the surface of the existing concrete access track with a rolled asphalt surface. It is also proposed to erect four lighting columns, with a maximum height of 2.2 metres. The hedge located at the entrance from Leicester Road is proposed to be cut back.
- 2.4. The application is being presented at Planning Committee due to Member call in and the number of objections received, in accordance with the HBBC Scheme of Delegation.

### **3. Description of the site and surrounding area**

- 3.1. The application site forms part of an existing vehicular and pedestrian access track that covers a rectangular area of approximately 53 square metres, being 18 metres long with a minimum width of approximately 3.4 metres. The access track connects to a gated access into an existing open area of land, located to the east and south east of the access track. That site is subject to an outline planning application for a residential development for 115 dwellings under panning reference: P/22/1031/2.
- 3.2. The access track curves to the north, giving vehicular access to a residential dwelling (No.215 Leicester Road). The dwelling sits in a backland position, behind existing built form along Leicester Road and Markfield Lane frontages.
- 3.3. The existing access track is bordered by approximately 1.8-metre-high timber fencing that encloses residential gardens either side of the access track. The track in the application site is surfaced with unkempt concrete hardstanding. A large double garage is situated at the edge of the site where it meets the Borough boundary with Charnwood Borough Council.
- 3.4. The site is situated between two linear forms of development between Leicester Road and Markfield Lane and situated in the open countryside for the purposes of the Development Plan.

### **4. Relevant planning history**

- N/A.

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site, and a notice was displayed in the local press.
- 5.2. As of 12 November 2025, 31 objections have been received from 16 separate addresses regarding the following:

- Failure to meet Highway design standards
- Conflict with vehicular access at 215 Leicester Road
- Privacy and safeguarding issues (relating to CCTV)
- Light pollution/amenity harm
- Police requested safety infrastructure not included
- No vehicle restriction/safety signage
- Biodiversity harm
- Police advice ignored
- Out of character with the surrounding area
- Unsafe exit onto Leicester Road
- Risk of antisocial behaviour
- Noise pollution
- Application should be considered as part of the wider application
- Fails to meet width of pathway in Leicestershire Highway Design Guide
- Poor visibility/safety concerns
- No bins provided
- Poor drainage

## **6. Consultation**

6.1. No objections, some subject to conditions from:

- HBBC Drainage
- LCC Highways
- LCC Ecology
- HBBC Pollution
- HBBC Tree Officer
- LCC Archaeology
- Leicestershire Police

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

7.2. Markfield Neighbourhood Plan 2020-2039 (2021)

- Policy M4: Ecology and Biodiversity
- Policy M5: Trees
- Policy M10: Design

7.3. Site Allocations and Development Management Policies DPD (2016)

- DM1: Presumption in Favour of Sustainable Development
- DM3: Infrastructure and Delivery
- DM6: Enhancement of Biodiversity and Geological Interest
- DM7: Preventing Pollution and Flooding
- DM10: Development and Design
- DM17: Highways and Transportation
- DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Leicestershire Highways Design Guide
- Good Design Guide (2020)
- National Design Guide (2019)

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Impact upon ecology
- Other matters

#### Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2024) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. The application site lies within the settlement boundary of Markfield and is associated with an Outline Planning Application (P/22/1031/2, resolution to grant subject to Legal Agreement 13.11.25) for a major housing development within Charnwood Borough Council (CBC). There is also a corresponding full application for the delivery of the footpath upgrade for the section of footpath within CBCs jurisdiction, which was approved on 13.11.25 (P/25/1333/2). These are both material considerations to be considered alongside this application, and the key aims of the proposal are to seek upgrades to an existing track, to provide connectivity to nearest settlement of Markfield, encouraging the occupiers of the proposed housing development to use more sustainable modes of travel. Therefore, subject to consideration of the design, residential amenity, biodiversity, and highway safety, the principle of the development is considered to be acceptable.

#### Impact upon the character of the area

- 8.5. Policy DM10 states that developments will be permitted providing that the following requirements are met: it complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural

features; it incorporates a high standard of landscaping where this would add to the quality of design and siting.

- 8.6. The track is semi-urban in character and will be re-graded for the whole width, which is considered appropriate when considering the residential character of the area whereby lighting sources are prominent and exist from the existing properties.
- 8.7. The proposal relates to the installation of a four lighting columns to be 'rooted' into the track. They each measure approximately 2.2 metres at their highest point and will be positioned at 15m – 17m intervals. The existing concrete track is proposed to be surfaced with tarmac.
- 8.8. The Lighting Technical Report prepared by Designs for Lighting (DFL) explains how the lighting to be installed will be in accordance with the relevant British Standard for external artificial lighting.
- 8.9. The report assesses the surrounding area and acknowledges that no formal lighting exists along the existing track, although it also states that "Residential dwellings along Leicester Road are likely to have domestic external lighting, including wall lights and occasional floodlights. To the north, Markfield Lane exhibits a similar lighting environment". Based on the assessment of the area, the report considers the site to be in a suburban area. In terms of the proposed lighting, it is confirmed that the luminaries will incorporate integral LED lights that will distribute the light downwards to reduce the potential for both light spill onto the boundaries and upwards towards the sky. It is proposed the lighting would emit a warm white temperature light for the purposes of wayfinding only. They will be controlled by a solar time clock which will turn them on at dusk and off at dawn.
- 8.10. The environmental health team (EHO) has been consulted and have no objections to the proposed lighting. Officers consider that in the interests of consistency with the CBC application, the provisions of section 8 of the lighting technical report is also secured by planning condition.
- 8.11. In terms of the proposed upgrade to the existing track, it is currently laid to concrete in a poor state of repair. The upgraded surface would consist of rolled asphalt that would provide a betterment in terms of visual appearance.
- 8.12. Furthermore, the introduction of the lighting scheme is considered not to have any detrimental impact in terms of the character of the area.
- 8.13. The proposal is therefore considered acceptable in accordance with Policy DM10 of the SADMP and Policy M10 of the Markfield Neighbourhood Plan.

Impact upon neighbouring residential amenity

- 8.14. DM10 of the SADMP seeks to ensure that development proposals do not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.15. The closest dwellings to the site are located adjacent to the access track – 213a and 217 Leicester Road. Whilst it is acknowledged that there would be increased levels of activity should the upgrades associated with the new housing development be approved, it is not considered that they would lead to unacceptable levels of noise and disturbance for existing residents as there would be no additional vehicular use, only pedestrian and cycle users.

- 8.16. Numerous objection letters have been received relating to the safety and the use of the track for pedestrians, as well as light and noise pollution concerns. The comments are acknowledged and officers acknowledge that whilst there will be increased footfall and general use of the track, this would not result in unacceptable levels of noise and disturbance as motorised vehicles would be prevented from accessing the new residential development via the track (access will continue to be provided for the residents of 215 Leicester Road).
- 8.17. In terms of the proposed lighting scheme, the three 2.2m lighting columns are situated on either side of the track. The submitted Technical Lighting report states that the lighting will be distributed downwards, to reduce the potential for light spill onto the boundaries and would emit a warm white temperature light for the purposes of wayfinding only and will be controlled by a solar time clock.
- 8.18. The HBBC Environmental Health (Pollution) Team has been consulted and has no objections to the proposed lighting arrangement. Notwithstanding this, the CBC application was approved with conditions relating to the development being carried out in accordance with the submitted Lighting Strategy, and the lighting column not being installed until a long-term maintenance and lighting servicing plan had been submitted to and approved by the LPA. These conditions are considered reasonably necessary and have been repeated in this report for consistency.
- 8.19. In conclusion, the proposal is considered to accord with Policy DM10 of the SADMP in regard to neighbouring amenity impacts.

#### Impact upon highway safety

- 8.20. Policy DM17 of the Site Allocations and Development Management Policies DPD states that development proposals will be supported where they demonstrate that there is not a significant adverse impact upon highway safety and that the development is located where the need to travel will be minimised.
- 8.21. Policy DM18 states that proposals will be required to provide adequate levels of parking provision of an appropriate design.
- 8.22. The LHA advised that it has previously responded to planning application P/22/1031/2 within Charnwood Borough and note that it commented in observations that:

*'Section 2.20 of the submitted Transport Assessment states 'The access will become a pedestrian and cycle only link to create a direct route between the site and Markfield, in addition to the vehicular access.' As per the LHA's previous observations, ordinarily a new pedestrian and cycle link should comply with LTN 1/20 requirements and should ideally be 3.0m wide. Appropriate signage should also be provided once the link is completed, and measures may be required to prevent inappropriate vehicle use.*

*However, the LHA also note that access to 215 Leicester Road is provided by this route and therefore, the vehicular access must be protected.*

*The LHA note the comment that 'the access is 3.4m wide at its narrowest, which is an appropriate width for a pedestrian cycle connection'. The LHA note that as per Manual for Streets (MfS) Paragraph 7.2.3 single lane widths should be no more than 3.5m and that widths between 2.75m and 3.25m should be avoided in most cases, since they could result in drivers trying to squeeze past cyclists.*

*It is noted that the existing access route falls outside of the red line application boundary, however following dialogue with the LPA, the LHA have agreed conditions to secure this route. The conditions are listed within the relevant section below.'*

- 8.23. The LHA welcome the submission of ADC Infrastructure drawing reference 1970-ADC-HGN-XXDR-CH-0100 S1 Rev. P02 which shows a private drive with a minimum width of 3.42m serving the existing property (215 Leicester Road) and providing a shared surface pedestrians and cyclists associated with planning application P/22/1031/2.
- 8.24. The LHA note that no detail has been provided regarding the kerbing and will therefore seek to condition the same wording as per application P/22/1031/2. The LHA also note that no bollards have been provided to prevent vehicular traffic or slow cycle traffic between the pedestrian cycle connection and internal layout of application P/22/1031/2.
- 8.25. The LHA advise that this should be provided as per the LHA' standard drawing 'Staggered barriers on footpaths' (reference SD/1100/27) dated April 2024. A condition is recommended to secure these barriers which uses the same wording as CBC application P/22/1031/2.
- 8.26. Several objections have been received in relation to highway/pedestrian safety and the ability for cars and pedestrian, cycles, prams etc. to pass safely. The Local Highway Authority raised no objection in this regard. Officers consider that due to the low level of vehicular traffic using the track (solely used by the occupiers of 215 Leicester Road, including deliveries), meetings between pedestrians and vehicles will not be frequent, and can be negotiated by pedestrians waiting for cars to pass at the northernmost point of the site. Vehicles would be travelling at low speeds given the narrowness of the track, and visibility is unrestricted by foliage/blind spots.
- 8.27. Therefore, The Local Highway Authority has no objections, and the proposal complies with Policy DM17 and DM18 of the SADMP, subject to the conditions outlined at the end of this report.

#### Ecology and Biodiversity

- 8.28. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.29. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.30. A baseline walkover and Biodiversity Impact Assessment completed by Brindle and Green in June 2025 has been submitted and has been accepted by LCC Ecology.
- 8.31. A section of hedgerow is required to be trimmed to facilitate development. Further consultation with the projects ecologist has confirmed that the hedge will be reduced in width to maximise the width of the cycle track. As no removal is required, this does not need including in the metric. It is recommended any vegetation works are undertaken outside the bird nesting season which runs from March to August inclusive.

- 8.32. The site consists of degraded tarmac and modified grassland verges which will be lost to development. This is accepted and no objections are raised.
- 8.33. The new trackway is proposed to be lit. The southern most section of pathway is sparsely vegetated and is not considered a foraging and commuting route for bats. Lighting has been designed to direct light downwards and away from boundaries. Plan: 4069-DFL-ELG-XX-LD-13001 indicates 0.2 lux falling within the adjacent gardens.
- 8.34. Regarding Biodiversity Net Gain, LCC Ecology confirm that Statutory Net Gain is not achievable on-site, with -100% loss in Habitat Units. The Baseline Walkover Survey Brindle and Green, (June 2025) states the statutory 10% net gain will be achieved through the adjacent site land at Markfield Lane, Habitat Bank (HBUCL0001).
- 8.35. Full details including biodiversity gain site reference and purchase number will be required to be submitted with the discharge of the Biodiversity Gain Plan. Any off-site enhancements will need to be secured for a period of 30 years, therefore a Habitat Management and Monitoring Plan (HMMP) and Biodiversity Gain Plan is included as a condition.
- 8.36. Overall, it is considered that it has been demonstrated that subject to conditions the proposed development will not lead to adverse harm to protected species and will adequately mitigate against any harm. In addition, a biodiversity metric has been provided demonstrating that with the biodiversity enhancement to the north of the site, results in net gains for biodiversity. In accordance with Policy DM6 of the SADMP and paragraph 70 of the NPPF.

#### **Other matters**

- 8.37. In terms of the issued raised in relation to drainage and flood risk, the site is located in Flood Zone 1 and there are no concerns regarding the flood risk and drainage of the site.
- 8.38. Officers highlight that whilst the associated approved development for up to 115 dwellings is under the jurisdiction of CBC, the implementation of an active travel link as proposed would encourage future residents to use alternative active modes of transport (instead of motorised vehicles) for their day-to-day needs. This complies with the aims of Policy DM17 of the SADMP and paragraph 109 of the NPPF.

### **9. Equality implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
  - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2 The application seeks to upgrade an existing track to provide a path/cycle way to serve the housing development under planning application P/22/1031/2 (CBC). The proposed track would provide connectivity to nearest settlement of Markfield, encouraging the occupiers of the proposed housing development to use more sustainable modes of travel, therefore, meeting the aims of sustainable development.
- 10.3 The site is located within the settlement boundary of Markfield and is acceptable in principle.
- 10.4 It has been demonstrated by the submission of the lighting strategy that there will be no significant impact on amenity, and the minimal amount of biodiversity loss would be required to be discharged the statutory BNG condition. The proposed development is considered to accord with Policy DM6 and DM7 of the SADMP in these regards, and with the aims of paragraph 186 of the NPPF.
- 10.5 There would be no undue residential amenity impacts, and the proposal would accord with Policy DM10 of the SADMP in this regard.
- 10.6 In terms of highway and pedestrian safety, it is considered that the use of the proposed path/cycle way as a private drive and pedestrian link can co-exist without undue harm to pedestrians using the path/cycle route, while maintaining the use as a private driveway. The proposal would also provide a sustainable travel options for future users of the application considered under CBC permission P/22/1031/2. The development would therefore accord with Policy DM17 of the SADMP which seeks to ensure safe access is provided.
- 10.7 The proposal is therefore recommended for approval subject to the conditions below.

## **11. Recommendation**

- Planning conditions outlined at the end of this report
- That the Assistant Director Planning and Regeneration be given powers to determine the final detail of planning conditions.

## 11.1

### Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
  - Site Location Plan – drawing No. n1745 001A submitted on the 25th June 2025
  - Lighting Strategy 4069 DFL ELG XX CA EO 13001 S3 P02 submitted on the 24th July 2025
  - Light Spill Diagram 4069 DFL ELG XX LD EO 13001 S3 P02 submitted on the 24th July 2025
  - Pedestrian and Cycle Link to Leicester Road drawing: 1970 ADC HGN XX DR CH 0100 S1 P02 submitted on the 24th July 2025

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development shall be carried out in accordance with the details contained in section 7.1 and 8 of the Technical Lighting Report reVP03 prepared by Design for Lighting and submitted on the 19th September 2025.

**Reason:** To ensure lighting scheme is installed using sensitive lighting to mitigate against harm to protected species and in the interest of residential amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The lighting columns hereby approved shall not be installed until a long-term maintenance and lighting servicing plan is submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and complied with in perpetuity.

**Reason:** To ensure lighting scheme is maintained in a way that mitigates against harm to protected species and in the interest of residential amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the submitted plans, the access fronting Leicester Road shall have a width of a minimum of 3.4 metres, a gradient of no more than 1:20 for a distance of at least 5.0 metres behind the highway boundary and shall be surfaced in a bound material with a 3.7 metres (4 dropped kerbs) dropped crossing. The access once provided shall be so maintained at all times.

**Reason:** To ensure a safe and suitable form of access to the site in the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

6. Notwithstanding the submitted plans, a minimum 3.0 metres shared pedestrian/cycleway shall be provided connecting the internal layout of Charnwood Borough Council planning application P/22/1031/2 and the access fronting Leicester Road. Control measures (i.e. gates, barriers, bollards, chains or other such obstructions) shall be erected between the internal layout of application P/22/1031/2 and the access fronting Leicester Road so as to prevent vehicular traffic from the development of application P/22/1031/2 utilising the Leicester Road access.

**Reason:** To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2024) and in the interests of general highways safety as a more traffic-intensive use of this access would be inappropriate due to the limitations of the vehicular access.

7. The development shall not commence until a 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d) Description of the management operations necessary to achieving aims and objectives;
- e) Preparation of a works schedule, including annual works schedule;
- f) Details and a timetable of the monitoring needed to measure the effectiveness of management;
- g) Details of the persons responsible for the implementation and monitoring;
- h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain

**Reason:** To enhance biodiversity, and in accordance with Policy DM6 of the SADMP and the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990)

## **12. Notes to applicant**

1. Biodiversity Net Gain Condition Requirements.
2. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the

process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

3. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk)
5. The existing boundary hedge/tree line directly bordering the development is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuring that it is cut back so as not to interfere with the public highway (whether or not a fence is installed in front of it).
6. Nesting Birds - Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition and significant alteration or vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.

Planning Committee 10 February 2026  
Report of the Assistant Director Planning and Regeneration

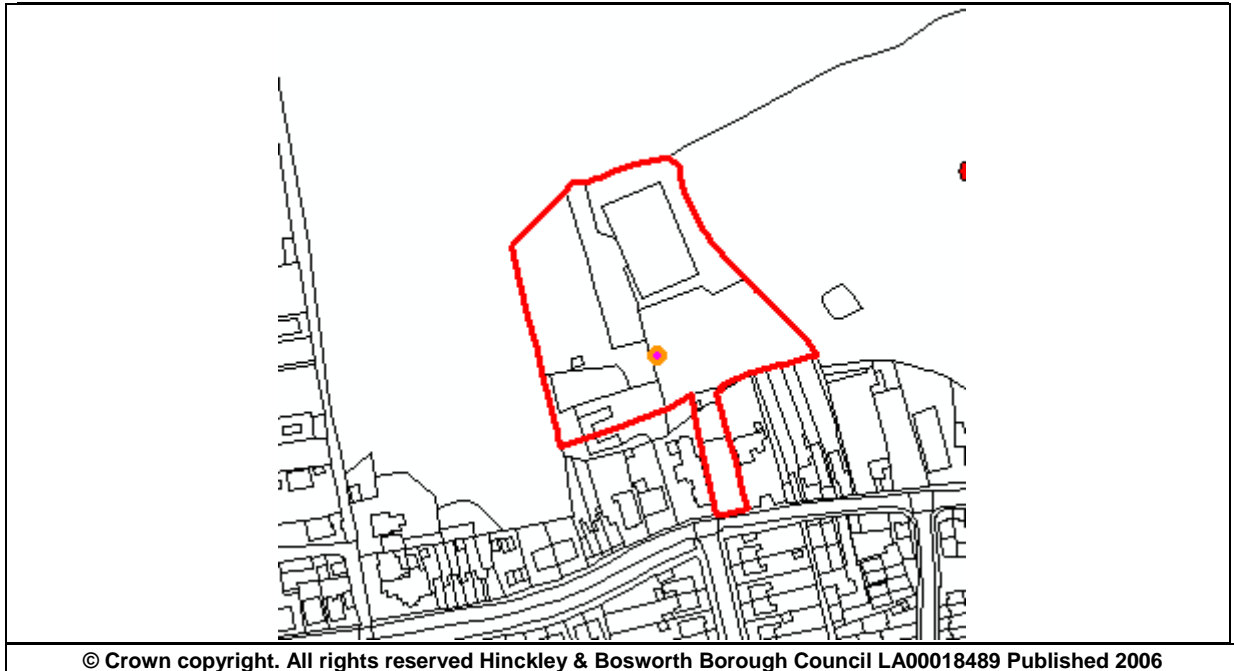
Planning Ref: 23/00982/OUT  
Applicant: Mr Paul Batson  
Ward: Earl Shilton



Hinckley & Bosworth  
Borough Council

**Site: Land To The Rear Of The Cottage 34 Keats Lane Earl Shilton Leicestershire**

**Proposal: Outline Planning permission for residential development of up to 10 dwellings (some matters reserved except for scale and access)**



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## 1. Recommendations

### 1.1. Refuse Outline Permission for the following reason:

The outline application proposes two storey dwellings on site. Scale is a detailed consideration at the outline stage and the proposal is considered to be incompatible when taking account of land levels/topographical constraints across the site. Two storey residential development would have a detrimental impact on the amenity of future occupiers in respect of overlooking, loss of privacy and the creation of an overbearing effect. The application is therefore unacceptable and contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD 2016, the requirements of the NPPF and Hinckley Bosworth Borough Council Good Design Guide.

## 2. Planning application description

- 2.1. This application seeks outline planning permission for the erection of up to 10, two storey dwellings, with some matters reserved except for scale and access.
- 2.2. This is a revised report following a previous resolution by the Planning Committee to grant planning permission for 10 bungalows in September 2024. The Section 106 was not signed and so the application remained outstanding/undetermined.
- 2.3. The following reports, surveys and documents have been submitted in support of the revised planning application:

- Amended Application Form
  - Amended Design and Access Statement
  - Amended Site Plan
  - BNG details / Metric
  - Amended Landscape and Visual Impact Appraisal
- (All other documents are as per the existing submission)

### **3. Description of the site and surrounding area**

- 3.1. The application site lies to the north of Earl Shilton, on the edge of the settlement boundary with access from Keats Lane to the south. The site is currently vacant, with a former dwelling having been demolished as part of a smaller scheme previously granted permission.
- 3.2. The land is in two sections – the southern part of the site where a dwelling once stood, and the northern part of the site which is outside of the settlement boundary and comprises a paddock area.
- 3.3. The surrounding land to the north, west and east of the site has historical agricultural use with approval for residential development which is being built out. Once complete, the site will be surrounded on all sides by residential land uses.
- 3.4. The surrounding area to the south is characterised by residential dwellings with a number of different designs, types and scales on show – including bungalows. The site is a short walk from the town centre, which benefits from a number of amenities and public transport links.
- 3.5. There is considerable level change across the site (approximately 12m) from south to north.
- 3.6. Public Footpath U28 runs through the proposed development site.

### **4. Relevant planning history**

- **13/00460/FUL** – Demolition of existing dwelling (No. 32 Keats Lane) and outbuildings and the construction of a new dormer bungalow with detached single garage – Approved
- **19/00403/FUL** – Erection of a dormer bungalow with detached single garage – Approved
- **20/00916/FUL** – 50 detached dwellings (Land adjacent to the east) – Approved
- **21/00135/OUT** – Up to 140 dwellings (Land adjacent to the north and west) - Approved

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. As the previous proposal was determined by the Planning Committee, this revised scheme is also considered to be a Committee determination in this instance.
- 5.3. 1 letter of objection has been received from a local resident, in response to the revised plans their concerns are summarised below:
  - *Loss of a view*
  - *Loss of wildlife*
  - *Impact on mental health*
  - *Our home/local area has become one big building site*

- *Noise and dust pollution*
- *Light pollution*
- *Loss of privacy*
- *Overlooking concerns*
- *Traffic concerns*
- *Dwellings on this site would be disrespectful and unfair*

5.4. No letters of support or neutral comments have been received.

## **6. Consultation**

6.1. No objection, some subject to conditions/contributions has been received from:

Local Highway Authority – subject to conditions  
 Lead Local Flood Authority – subject to conditions  
 LCC Archaeology – subject to conditions  
 LCC Ecology – subject to conditions  
 HBBC Drainage – subject to a condition  
 HBBC Waste – subject to a condition  
 HBBC Conservation Officer  
 HBBC Environmental Health – subject to conditions  
 Leicestershire Police  
 NHS England – financial contribution sought

6.2. HBBC Housing Officer - The preference on this site would be for 2 dwellings on site to be provided for affordable rent, should a willing Registered Provider partner be available. Otherwise, a commuted sum would be accepted in lieu of on-site provision.

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- Policy 5: Transport Infrastructure in the Sub-regional Centre
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Design and Technology

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. Earl Shilton and Barwell Area Action Plan (2006-2026)

- Policy 2: Provision of Community Facilities
- Policy 3: Primary, Secondary and Upper Education Provision
- Policy 4: Provision of Indoor Sports and Leisure Facilities
- Policy 5: Waste Management Provision
- Policy 20: Skills Development
- Policy 21: Infrastructure and Delivery
- Policy 22: Development and Design

#### 7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Community Infrastructure Levy (CIL) Regulations (2010)

#### 7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide
- Leicestershire County Council's Public Rights of Way Guidance (PRoW)
- Affordable Housing SPD (2011)
- Hinckley and Bosworth Borough Landscape Character Assessment (2017)
- Hinckley and Bosworth Open Space Needs Assessment (2025)
- Housing Needs Study
- Hinckley and Bosworth Outdoor Sports and Playing Pitch Strategy (2025)

\* It is to be noted that since the original application was submitted in 2023, there have been changes to the NPPF, Biodiversity Net Gain requirements and also the Council has published the Open Space Needs Assessment (2025) and the Outdoor Sports and Playing Pitch Strategy (2025).

## 8. Appraisal

### 8.1. Key Issues

- Principle of Development
- Housing Mix and Affordable Housing
- Landscape and Visual Impact
- Scale/Impact upon Residential Amenity
- Access and Highway Safety
- Drainage
- Ecology
- Heritage and Archaeology
- Planning Obligations
- Other matters
- Planning Balance

#### **Principle of Development**

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.

- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4 The Emerging Local Plan for 2024-45 previously reached Regulation 18 stage in July-September 2024. Since that consultation, revised affordability ratios have been published, the Standard Housing Method housing figure for the Borough has changed, and the plan period has been extended. As set out in the Local Development Scheme, the Borough Council has conducted a further Regulation 18 consultation in October and November 2025, with Regulation 19 Consultation taking place March/April 2026 with submission to the Secretary of State being November 2026. Given the previous two Regulation 18 plans have not been tested through examination in public, little weight can be attached to them.
- 8.5 The Council will soon publish an updated 5-year housing land supply calculation. It is estimated to have up to 3.95 years supply as of April 2025 and therefore the Council cannot demonstrate a 5 year housing land supply.
- 8.6 For decision taking, a 5yr housing land supply is a material consideration in all relevant applications for dwellings in the Borough. In accordance with paragraph 11d) of the NPPF, the Council should grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.7 Under these circumstances, the NPPF sets out, in paragraph 11d) that, for decision makers:
- “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*
- 8.8 Paragraph 61 of the NPPF sets out that *“it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*.
- 8.9 Paragraph 73 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for small and medium enterprises housebuilders to deliver new homes and are often built out relatively quickly.

- 8.10 The 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.11 The application site is located outside of the adopted settlement boundary of Earl Shilton. The site is therefore designated as 'open countryside'. As such, the principle of the location of the proposed residential development conflicts with Policy DM4 of the Development Plan.
- 8.12 Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The proposal for new build residential development is not a form of development supported by Policy DM4 of the SADMP in this location which states that:

"Development in the countryside will be considered sustainable where;

- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
- It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.

And

- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
- It does not undermine the physical and perceived separation and open character between settlements; and
- It does not create or exacerbate ribbon development;"

- 8.13 The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.
- 8.14 However, it is to be noted that the previous proposal was given a resolution to grant permission subject to conditions and a S106 legal agreement and so this is also a material consideration for this latest proposal. Moreover, residential development has been approved on the west, north and eastern boundaries of the site, surrounding the site on all sides with proposed or existing residential development and isolating it from the countryside.

#### **Housing Mix and Affordable Housing**

- 8.15 Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to

meet a 'very good' rating against Building for Life, unless unviable. A minimum density of 30 dwellings per hectare is required in rural areas, a lower density may be required where individual site circumstances dictate and are justified.

- 8.16 The Good Design Guide SPD advocates the use of the Building for Life assessment.
- 8.17 The proposed development is for up to 10, 2 storey dwellings and the site area comprises approximately 0.89 hectares.
- 8.18 Policy 15 of the CS sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. At least 480 dwellings will be in the rural areas, at a rate of 40%. The Borough has an unmet affordable housing need and this is given significant weight in the planning balance.
- 8.19 The Affordable Housing Officer has made the following comments:  
*"This is an outline planning application for 10 dwellings at Keats Lane in Earl Shilton. Policy set out in the Core Strategy, policy 15, states that sites of 15 dwellings or more, or 0.5 hectares or more in urban settlements, require 20% of the housing to be offered for affordable housing. There is a need for affordable housing in the Borough, and in Earl Shilton. The evidence for rented accommodation is contained within the Council's housing register, which on 20 October 2025 had the following number of live applications for Earl Shilton:*

<i>Bedroom size</i>	<i>Number of applicants</i>
<i>1 bed</i>	<i>336</i>
<i>2 bed</i>	<i>146</i>
<i>3 beds</i>	<i>82</i>
<i>4 or more beds</i>	<i>32</i>
<i>Total</i>	<i>596</i>

*Confirmation has been received that the size of this site is 0.89 hectares. It therefore crosses the threshold where a contribution to affordable housing will be required.*

*The preference on this site would be for 2 dwellings on site to be provided for affordable rent, should a willing Registered Provider partner be available. Otherwise, a commuted sum would be accepted in lieu of on-site provision. The calculation for a commuted sum is set out in paragraph 7.16 of the Affordable Housing Supplementary Planning Documents and is as follows:*

*RV 100% MH = Residual value with 100% market housing*  
*RV AH = Residual value with x% affordable housing (% as set out in Policy 15 of the Core Strategy)*  
*Equivalent commuted sum = RV 100% MH minus RV AH*

*The section 106 agreement should include a clause regarding the affordable rented properties that allocation would be to people with a connection to the borough of Hinckley and Bosworth, as defined in the council's Housing Allocations Policy. It is also acceptable that a cascade agreement be inserted into the section 106 to default to a commuted sum if it is evidenced that no RP provider can be found to take on site provision."*

- 8.20 To maximise the flexibility of the housing, properties should meet Nationally Described Space Standards for the unit type. Developments in Earl Shilton meet the needs of housing applicants for the whole Borough and therefore the section

106 agreement should require a connection to the Borough of Hinckley and Bosworth as set out in the council's Housing Allocations Policy. Subject to these requirements being met through completion of a Section 106 legal agreement, this proposal is deemed to be acceptable with respect to housing mix and affordable housing provision.

### **Landscape and Visual Impact**

- 8.21 Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within open countryside, outside of the settlement boundary and is therefore considered against this policy.
- 8.22 The Council's Landscape Character Assessment (2017) makes assessment of Urban Character, it describes how the north of the settlement of Earl Shilton provides a rural setting to part of the historic settlement by the church and castle site, and at Hill Top Road in the north of the settlement, the location of application site. The key characteristics of this urban character include:
- Ridgetop settlement with views over the open landscape to the north and south, visible on the skyline in views from the countryside to the north.
  - Defined, wide, high street with a range of retail and non-retail services.
  - Residential development in the outskirts of the town is of mixed character.
  - Workers terraces and factory buildings of red brick are a reminder of the industrial heritage of the town from the boot and shoe industry in the 19th and 20th centuries.
  - Modest scale of predominantly two storey buildings fronting directly onto the street.
  - Some interesting and architecturally distinctive buildings.
  - Red brick and white or off-white cement render are common building materials/finishes, with slates or plain tile roofs.
  - The Church of St Simon and St Jude, is a landmark feature.
  - The historic site of a former motte and bailey castle and adjacent Hall Field open space
- The key sensitivities and values of the urban character area are:
- Views to the surrounding rural landscape (to the north and south) provide a sense of place and suburban character.
  - The northern settlement edge which is modest in the scale of buildings, with the church spire creating a generally well-integrated visual balance with the surrounding landscape and is vulnerable to change.
  - The legacy left by the boot and shoe industry in the remnant factory buildings and terraced workers' cottages provides a sense of local identity.
  - Interesting buildings and historic features including the Red Lion pub add local distinctiveness.
  - The area of the church, castle site and Hall Field provides a sense of history and green open space, enhanced by views to the open landscape beyond the town to the north.
  - The Church of St Simon and St Jude is a local landmark with historic and architectural interest, forming a visible skyline feature in views from the surrounding rural area to the north.
  - Public footpaths and bridleways connecting the settlement with the surrounding countryside which are tied into the local history of the area (e.g. Oak and Ash tree footpath to Peckleton).

- The rural gateways to the town from the south and north are provide links with the surrounding countryside.
- 8.23 The Council's Landscape Sensitivity Assessment (2017) is a detailed assessment of the sensitivity to development of various part of the landscape around the Borough's settlements. The site falls within Assessment Area 10, which wraps around the northern fringes of Barwell and Earl Shilton. The size of Area 10 means the proposal site is a small fraction of it and the assessment does not describe any specific aspect of the application site. However, it does suggest that new development should:
- Seek opportunities to maintain the rural character of the landscape and, where possible, conserve rural views and the setting of settlement.
  - Plan for successful integration of potential new development in the landscape through sensitive design and siting, including use of sensitive materials and use of landscape mitigation to enhance sense of place.
  - Seek to retain the pattern of hedgerows and hedgerow trees where possible.
  - Protect localised areas that retain a natural character and encourage tree planting to replace mature/veteran trees as they begin to deplete.
  - Seek to conserve rural views and maintain views to church spires and towers on the wooded skyline.
  - Aim to maintain and enhance historic assets and their surrounding environment.
  - Seek to maintain and enhance the recreational assets including rights of way network.
  - Consider opportunities to create and promote an integrated green infrastructure network linking with the waterways with the urban area.
- 8.24. A Landscape and Visual Impact Assessment was requested by the local planning authority and has subsequently been revised and submitted as part of the outline planning application. The assessment includes 12 viewpoints which were identified at locations where visual effects are thought to be likely, or, to demonstrate that visual effects are considered to be unlikely. Five of the viewpoints selected are within 200m of the site and demonstrate the nature of views of the key visual receptors in close proximity from publicly accessible areas.
- 8.25. The site comprises paddock land on the northern edge of Earl Shilton. All of the landscape generally comprises hedgerows with occasional hedgerow trees and small tree groups.
- 8.26. The LVIA submitted with the application concludes that a slight adverse effect is predicted on the landscape character on this area during construction, reducing to negligible post construction. The site contains very few notable features that would be adversely affected by the proposed development. The boundary hedges, one of the key features of the site, are to be protected and enhanced. The recommendations of the LVIA suggest that a landscape management plan, with a requirement for active monitoring and reporting, be produced, to help guide future work to sustain the landscape over the longer term. It should include a landscape strategy that reflects both the need to conserve local landscape character and reinforce the existing features of the landscape.
- 8.27. The character of the site exhibits some qualities that are typical of the Stoke Golding Rolling Farmland LCA within which it lies, including a public right of way which crosses it, the hedgerow field boundaries and the opportunity for long

distance views northwards from the upper parts of the site. However, the site is in part used for equestrian land uses, which together with its proximity to the existing built up area, exert urban fringe influences over the site and make it less typical of the wider rural landscape which makes up the Stoke Golding Rolling Farmland LCA. Accordingly, the site is assessed as being of Medium landscape quality.

- 8.28. It is to be noted that the area is not a 'valued landscape' for NPPF purposes. There are no landscape or environmental designations or sensitivities of note for the site and its immediate surroundings. The Natural England Agricultural Land Classification Maps show it as Grade 3.
- 8.29. It is also worth noting, as per above, that the fields surrounding the site to the west, north and east have each been granted planning permission for residential development in the last 5 years and are under construction (20/00916/FUL and 21/00135/OUT). As such, it is reasonable to conclude that the prevailing landscape character has now been altered in recent times. The result of which will be that the site itself goes from being an edge of settlement location, to one very much contained within a built-up area. This is a significant material consideration when assessing this site for the purposes of residential development.
- 8.30. Subject to the recommendations within the LVIA i.e. provision of a landscape management plan, the scheme is considered to be acceptable with respect to landscape character. The scheme is not considered to have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; it will not undermine the physical and perceived separation and open character between settlements; and it will not create or exacerbate ribbon development. It could reasonably be described as representing a form of infill development when taking account of the planning history/extant permissions set out above.

### **Scale**

- 8.31. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.32. Scale is a detailed consideration at this outline stage. The local planning authority has concerns regarding two storey development on this site given the difference in land levels. The topography of the site changes by approximately 12 metres (decreases from south to north) and as a result, development on this site would necessitate a large degree of structural work to be completed.
- 8.33. Whilst bungalows were previously considered to be acceptable, the topographical constraints result in considerable height differences across the site, when coupled with two storey development, would pose issues for future occupiers of the site with respect to residential amenity. Where it was previously considered that the development of bungalows could be satisfactorily mitigated through landscaping and boundary treatment measures, the additional height of two storey dwellings in this location would compromise overlooking and create privacy and overbearing issues for occupiers of the dwellings. This is also further accentuated by the number of dwellings shown with limited rear garden depths. Bungalows do not create amenity issues to the extent that two storey development can. It is clear from the illustrative plans provided that separation distances for a number of the proposed plots do not adhere to Council's design guidance particularly with respect to side to

back distances. Where there are also land level changes to account for on site, the need to ensure suitable separation between properties becomes even more important. Therefore, the proposal for two storey residential development is not considered to be acceptable in terms of scale and would have a detrimental impact on the residential amenity of future occupiers and is contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

- 8.34. The application site is bordered to the south by existing residential dwellings on Keats Lane. An objection letter has been received from a local resident which raises residential amenity issues as a key concern. The indicative plans provided show that residential amenity and 'back-to-back' to distances between existing properties and proposed dwellings exceed the requirements set out within the Council's Design Guidance and existing dwellings would be set on higher ground than the proposed dwellings. Therefore, it is considered that the amenity relationship between existing and proposed dwellings would be acceptable in this instance.
- 8.35. Given the above, on balance, the scale of the development coupled with the topographical constraints on site results in residential amenity concerns for future occupiers of the site and does not accord with Policy DM10 of the Site Allocations and Development Management Policies DPD, the requirements of the NPPF and the Council's Good Design Guide.

#### **Access and Highway Safety**

- 8.36. Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.37. The application proposes a vehicular access from Keats Lane, where there is an existing access that previously served No. 34 Keats Lane (now demolished). The application sets out how the scheme has been designed to meet the requirements of the Highways Authority in terms of width (5.0m + 2.0m footpaths), visibility splays and so forth.
- 8.38. It proposes the provision of 20 parking spaces to serve the 10 dwellings, which is in line with the Leicestershire Design Guide for dwellings of up to 3 bedrooms. Dedicated refuse storage and collection points are also proposed. Whilst layout is not a consideration at this outline stage, it is noted that the applicant should consider the type of parking proposed on site (avoid tandem parking) and ensure that bin collection points are within a suitable distance of each proposed dwelling at the reserved matters stage.
- 8.39. The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the National Planning Policy Framework (December 2023), subject to the conditions outlined in this report.

#### **Drainage and Flood Risk**

- 8.40. Policy DM7 of the SADMP requires that development does not create or exacerbate flooding and drainage. The site is situated within flood zone 1 indicating a low risk of flooding.
- 8.41. The proposals seek to discharge at 2.8 l/s via pervious paving and underground cellular storage to the watercourse located to the north of the site. Although outside

of the development boundary, this watercourse is on land under developer control. British Geological Survey (BGS) data suggests that infiltration would not be a feasible method of draining the site. Site investigations should be carried out to confirm this.

- 8.42. HBBC Drainage have been consulted on the application and they raise no objection, subject to pre-commencement conditions. Similarly, the Lead Local Flood Authority (LLFA) were consulted, and they have stated that the proposals are considered acceptable, subject to pre-commencement conditions requiring the separate submission and approval of a surface water drainage scheme, details of the management of surface water on site during construction and an infiltration testing condition (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element. A pre-occupation condition has also been requested requiring the separate submission and approval of details of the long-term maintenance of the surface water drainage system.
- 8.43. Subject to the imposition of the specified conditions, the proposal is considered to have a minimal impact on flooding and drainage in compliance with policy DM7 of the SADMP and in accordance with the requirements of the NPPF.

### **Ecology**

- 8.44. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.
- 8.45. The Ecology Team at LCC have been consulted on this application. They initially responded to say that the landscape plan achieves a significant net loss of -1.46 (-60.64%) habitat units and -0.14 (-18.51%) hedgerow units. The landscape plan should be revised to achieve meaningful net gain on site and, if this is not possible, through off-Site solutions.
- 8.46. As this application is pre-statutory BNG with no Biodiversity Gain plan condition (as the application was originally submitted in 2023), it needs to be demonstrated how net gain will be achieved at this stage as per the NPPF, CH. 15 para 187 part d) – “minimising impacts on and providing net gains for biodiversity”. Therefore, an updated metric must show how net gain will be achieved or information on any off-site compensation which will need to be secured”.
- 8.47. The applicant subsequently submitted updated ecological information and the Ecology Team were re-consulted. They have since responded to say that further information is still required. The applicant has subsequently requested whether the BNG requirement for this site can be secured by means of off-site Biodiversity Net Gain through the purchase of biodiversity units from habitat banks. The Ecology Team have advised that they are agreeable to this, subject to a suitably worded condition to secure the details of this.
- 8.48. Subject to a condition to secure Biodiversity Net Gain off-site, the proposal is considered to be in compliance with Policy DM6 of the SADMP and requirements of the NPPF with respect to ecological requirements.

### **Heritage and Archaeology**

- 8.49. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. In determining planning applications, local planning authorities should take account of paragraph 197 of the NPPF:
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.50. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough.
  - 8.51. The Conservation Officer was consulted on the proposal and has stated that there are no designated heritage assets or non-designated heritage assets within the site or its setting. As such the application will not impact on heritage assets and is compliant with Development Plan Policy.
  - 8.52. The preservation of archaeological remains is a material consideration in the determination of planning applications. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. The NPPF also reiterates this advice.
  - 8.53. In line with the National Planning Policy Framework, Section 16, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance.
  - 8.54. The Leicestershire and Rutland Historic Environment Record (HER) notes that the site is located on a ridge immediately north of the anticipated former extent of the historic medieval and post-medieval settlement core of Earl Shilton (HER Ref. MLE9535). Trial trenching in 2021 within the field immediately west of the site identified a number of levelling layers, a possible surface, and several steep sided features, possibly indicating the presence of a medieval structure connected to the historic settlement core. Additionally, there are a number of archaeological sites and find spots relating to prehistoric and Roman activity within the wider landscape. The site has been subject to previous development, however there may be areas where the disturbance is limited. There is therefore a potential for buried archaeological remains relating to the medieval and post-medieval periods, with an additional potential for prehistoric and Roman activity within the application area, which may be impacted by the development proposals.
  - 8.55. LCC Archaeology were consulted on the application and requested that an Archaeological Impact Assessment of the proposals should be submitted for consideration by the Archaeology Team. The applicant subsequently submitted the required details. The assessment identified a medium potential for buried remains from the prehistoric to medieval periods, with a medium-high potential for post-medieval and modern remains. The DBA has indicated that the preservation of any buried remains present may have been impacted by levelling works for the construction of stables and a horse schooling arena within the northeast/south-west corners of the Site, in addition to further likely disturbance resulting from 19th/20th century housing construction at the southern end of the application area.
  - 8.56. Whilst the LCC Archaeology Team notes that the current results are sufficient to support the planning decision, they state that further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme.

- 8.57. Subject to suitably worded conditions, it is considered that the proposal accords with archaeological requirements and is in compliance with Development Plan Policy specifically Policy DM13 of the SADMP and Section 16 of the NPPF.

### **Planning Obligations**

- 8.58. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. To support the provision of mixed, sustainable communities Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements. Indicative locations for the provision of new green spaces and green infrastructure are also set out by the Earl Shilton Sustainable Urban Extension Development Framework.
- 8.59. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested, they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.60. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space Needs Assessment was published in October 2025 and comprises new standards and requirements for off-site and on-site contributions.
- 8.61. For this proposal, due to limited size and nature of the development proposed, off site open space contributions are being sought as provision cannot be made on site. **Off-site open space contributions are therefore proposed for Wood Street Park totalling £24,503.12 and total maintenance contribution of £18,797.40 (over 10 years)** and are broken down into the typologies as set out below:
- Allotments = £622.44.00 (84 sq metres)
  - Amenity Green Space = £2,131.20 (320 sq metres)
  - Equipped Play Provision = £9,033.60 (60 sq metres)
  - Natural and Semi Natural Space = £2558.40 (480 sq metres)
  - Parks and Gardens = £2,229.98 (86 sq metres)
  - Provision for Young People = £7,927.50 (70 sq metres)
- 8.62. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly.
- 8.63. The outdoor sports requirements have been assessed against the Council's recently published Playing Pitch and Outdoor Sport Strategy. There are 4 analysis areas for Hinckley and Bosworth and Earl Shilton falls within the Urban South Analysis Area. For clarification, at the time of writing this report, the Council is not seeking contributions for indoor sports requests – so the only requests being considered for this application are for outdoor sports only using the Playing Pitch Strategy and not the sport facility calculator.
- 8.64. Looking over the Urban South Analysis area, the following outdoor sports contributions are applicable for this site based on a predicted population of 24 persons arising from a development of 10 dwellings:

- Adult Football – spare capacity – no contribution sought
- Mini Football – spare capacity – no contribution sought
- Youth Football – shortfall – **contribution sought**
- 3G Pitch – shortfall – **contribution sought**
- Rugby – at capacity – **contribution sought**
- Cricket – shortfall – **contribution sought**

Capital Costs (where there are shortfalls/at capacity as above)

- Youth Football £1,271.00
- 3G Pitch £1,744.00
- Rugby £434.00
- Cricket £616.00

Total Capital Costs = £4,065.00

Lifespan/Maintenance costs (for 10 years)

- Youth Football £257.00 per annum
- 3G Pitch £51.00 per annum
- Rugby £80.00 per annum
- Cricket £113.00 per annum

Total Maintenance costs = £501.00 (per year for 10 years)

Changing room costs = £6988.00 (cost applicable to all outdoor sports whether or not there is a shortfall)

**Total Outdoor Sport Contribution = £4,065.00 + £5010.00 + £6988.00 = £16,063.00**

- 8.65. The LCC planning Obligations Officer responded to the original application to say that due to the nature of this development, and the available capacity at the schools, civic amenity sites and libraries nearest to the development, no S106 contributions are being sought for this development in respect of these matters. They have not responded to the latest proposals.
- 8.66. The NHS (Leicester, Leicestershire and Rutland integrated care board (ICB) requests a contribution of £7,744.00 towards the gap in the funding created by each potential patient from this development. Based on a population of 24.2 the development will generate.
- 8.67. With respect to affordable housing, the preference on this site would be for 2 dwellings on site to be provided for affordable rent, should a willing Registered Provider partner be available. Otherwise, a commuted sum would be accepted in lieu of on-site provision.
- 8.68. The infrastructure contributions identified above are considered to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed and therefore CIL compliant.

**Other matters**

- 8.69. Public Footpath U28 runs through the proposed development site. The proposed Site Plan envisages diverting the footpath and the local highway authority have indicated that the proposed route on this plan is broadly in line with the Leicestershire County Council's Public Rights of Way Guidance (PRoW). The applicant/developer would need to apply for a permanent footpath diversion order under Section 257 of the Town and Country Planning Act. The grant of planning permission does not entitle developers to obstruct a public right of way. The

diversion or stopping up of footpaths, bridleways and restricted byways is a separate process which must be carried out before the paths are affected by the development. It cannot be assumed that because planning permission has been granted that an Order under section 257 will invariably be made or confirmed. Development, in so far as it affects a right of way, must not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect.

### **Planning balance**

- 8.70. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.71. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focused on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply as of April 2025. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any benefits. The three strands of sustainability the benefits are broken down into are economic, social and environmental contributions.
- 8.72. Economic - The scheme is for 10 dwellings which would provide benefits to the local economy through the creation of jobs and demand for services and materials for the construction of the development itself. Residential development in general can bring economic benefits through increases in the local population which in turn use local services. The development is located in close proximity of Earl Shilton and the services available there would no doubt receive some economic benefits from this development.
- 8.73. Social - The scheme would provide a moderate contribution to the overall housing supply within the Borough through the provision of 10 dwellings. In addition to this, the proposal would bring benefits through the provision of policy compliant affordable housing where there is an identified need.
- 8.74. Environmental - The proposal is situated on the edge of Earl Shilton and will be surrounded by residential development once approved schemes adjacent to it have been brought forward. As such the impacts upon the character and appearance of the area would not result in significant or demonstrable environmental harm. The scheme also seeks to provide off-site biodiversity net gain locally from an ecological perspective which is an environmental benefit that weighs in favour of the proposed development.
- 8.75. However, as set out above, there are residential amenity concerns for future occupiers of the as a result of the scale of the proposed two storey development and topographical constraints on site. On balance therefore, the detrimental impact on residential amenity caused by the scale of development in this case would outweigh the positive benefits of the scheme as set out above. The scheme is therefore recommended to Members for refusal on this basis.

### **9. Equality implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10 Recommendation**

### **10.1. Refuse Outline Planning Permission for the following reason:**

The outline application proposes two storey dwellings on site. Scale is a detailed consideration at the outline stage and the proposal is considered to be incompatible when taking account of land levels/topographical constraints across the site. Two storey residential development would have a detrimental impact on the amenity of future occupiers in respect of overlooking, loss of privacy and the creation of an overbearing effect. The application is therefore unacceptable and contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD 2016, the requirements of the NPPF and Hinckley Bosworth Borough Council The Good Design Guide.

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## PLANNING APPEAL PROGRESS REPORT - Week ending: 30.01.26

### WR – WRITTEN PRESENTATIONS

### HAS – HOUSEHOLDER APPEAL

### IN – INFORMAL HEARING

### PI – PUBLIC INQUIRY

File Ref	Case Officer	Application No	Type	Appellant	Development	Appeal Status	Process Dates
26/00001/PP	SA	25/00233/OUT (PINS: 6003147)	WR	Andrew Green	Land north Of Woodlands, High Tor East, Earl Shilton  (Outline planning permission (access only) for the erection of a single dwelling (C3 self-build))	Start Date Statement of Case Final Comments	14.01.26 18.02.26 04.03.26
25/00026/PP	SA	24/01079/OUT (PINS:3372919)	PI	Richborough	Land North of Station Road Market Bosworth  (Outline planning application for the erection of up to 126 dwellings, with associated access, landscaping, open space, and drainage infrastructure (all matters reserved other than access))	Start Date Hearing	08.12.25 10.03.26 2 days
26/00002/RPAGDO	AG	25/00496/P3CQ (PINS:6003428)	WR	Lee Smith	Heath Farm, Bosworth Lane, Osbaston  (Notification to determine if Prior Approval is required for the change of use of an agricultural barn to a single dwelling)	Start Date Statement of Case Final Comments	21.01.26 25.02.26 11.03.26
26/00002/PP	SA	25/00965/FUL (PINS:6003812)	WR	Jack Hemmings	87 Barton Road Nailstone  (Demolition of existing building, greenhouses and raised beds and erection of 2 dwellings)	Start Date Statement of Case	26.01.26 02.03.26
	SA	25/00344/FUL (PINS:6001403)	WR	Carlota Larrosa	38 Almeys Lane Earl Shilton  (Change of use from dwellinghouse to Sui Generis (use as large HMO) and addition of a side extension)	Awaiting Start Date	04.11.25

	GR	25/00797/CLP (PINS:3377078)	WR	Andrew Adshead	Hill Rise, Station Road, Desford  (Certificate of proposed lawful development for the erection of an outbuilding containing a swimming pool enclosure)	Awaiting Start Date	08.01.26
	TH	23/01184/FUL 23/01175/FUL 23/01186/FUL 23/01177/FUL (PINS: 6002755, 6002756,6002757 6002758)	WR	Harris Lamb	Land at Crabtree Farm Barwell (Residential development of 16 dwellinghouses with associated garages, driveway, open space, landscaping, drainage and LEAP)	Awaiting Start Date	18.12.25
25/00022/CLD	SA	25/00490/CLE (PINS: 3373915)	WR	Ms Melanie Brewster	Whittington Stables Whittington Lane, Thornton  (Application for a Certificate of Existing Lawful Use of Development (CLEUD) for an Existing Residential Property)	Awaiting Decision	
25/00021/PP	SA	24/01145/FUL (PINS: 6001009)	WR	Mr G Warren	The Cottage, Station Road, Desford  (Erection of Bungalow)	Awaiting Decision	
25/00025/HEDGE	RS	25/00214/HEDGE (PINS: APP/HH/2348)	Q	Colin Coleman	29 Church Lane Desford  (High hedge complaint)	Awaiting Decision	
24/00026/ENF	CZ	21/00251/UNUSES (PINS: 3347029)	WR	Mr J Hemmings	Land at Shenton Lane, Upton  (Use of agricultural land for car sales business)	Awaiting Decision	
25/00013/ENF	CZ	24/00004/UNHOUS (PINS: 3365801)	WR	Mr Mark Lester	69 Burbage Road Burbage  (Erection of a timber fence to front of the property)	Awaiting Decision	
25/00023/FTPP	SA	25/00275/HOU (PINS:6001128)	HAS	Richard Taylor	2 Caldon Close Hinckley  (Loft extension.)	Awaiting Decision	

25/00024/PP	SA	25/00298/FUL (PINS: 6001503)	WR	Sarah Flamson	New Farm, Hinckley Road, Cadeby (Erection of storage building (B8))	Awaiting Decision	
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## Decisions Received

25/00018/PP	TH	24/00831/OUT (PINS: 3369401)	IH	Gladman Developments Ltd	Land off York Close Market Bosworth (100 Dwellings, open space, landscaping, SuDS, access point and demolition of one dwelling)	Dismissed	15.12.25
25/00014/PP	SA	24/00322/FUL (PINS: 3367383)	WR	Mr & Mrs Simon & Jill Warner	White House Bosworth Road Wellsborough (Erection of single storey self- build/custom-build dwelling (Resubmission of 23/00923/FUL).	Dismissed	15.12.25
25/00019/PP	SI	25/00329/HOU (PINS: 3372636)	HAS	MR Harjinder Dosanjh	2 Sycamore Drive Groby (Erection of a 1800mm high fence.)	Dismissed	19.12.25
25/00020/FTPP		25/00467/HOU (PINS: 3372830)	HAS	Mr R Hayes	163 Coventry Road Hinckley (Erection of double storey rear, single storey front and loft extensions (revised scheme of 23/00218/HOU)	Dismissed	21.01.26

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